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MONTANA LEGISLATIVE HISTORY

Chapter 572 19 85

Bill H 571 S _____ Original bill & history ✓ C

H. Committee on Human Services and Aging			S. Committee on Business & Industry		
Hearing Date(s)	Feb 15	✓ C	Hearing Date(s)	Mar 20	✓ C
	Feb 22	✓ C		Mar 29	✓ C
		C			C
		C		Mar 29	✓ C
Date Out	Feb 22	✓ C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/20	2ND READING PASS	57	42
2/22	3RD READING PASS	63	36
	TRANSMITTED TO SENATE		
3/04	REFERRED TO BUSINESS & INDUSTRY		
3/07	HEARING		
3/07	COMMITTEE REPORT-BILL CONCURRED		
3/09	2ND READING CONCURRED	48	0
3/12	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/18	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 139 EFFECTIVE DATE: 10/01/85		

HB 569 INTRODUCED BY HANSEN
LOCAL GOVERNMENT FEE FOR SUBDIVISION REVIEW

1/30	INTRODUCED		
1/30	REFERRED TO LOCAL GOVERNMENT		
1/31	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/16	HEARING		
2/18	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/19	2ND READING DO NOT PASS	55	43
2/19	BILL KILLED		

HB 570 INTRODUCED BY MERCER, HARDING, ET AL.
REVISION OF FIRE SAFETY INSPECTIONS

1/30	INTRODUCED		
1/30	REFERRED TO STATE ADMINISTRATION		
2/13	HEARING		
2/13	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/16	2ND READING PASS	92	3
2/19	3RD READING PASS	98	1
	TRANSMITTED TO SENATE		
2/21	REFERRED TO STATE ADMINISTRATION		
3/20	HEARING		
3/20	COMMITTEE REPORT-BILL CONCURRED		
3/22	2ND READING CONCURRED	48	0
3/25	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/28	SIGNED BY SPEAKER		
3/28	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
4/02	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 323 EFFECTIVE DATE: 10/01/85		

HB 571 INTRODUCED BY BERGENE, KEATING, CHRISTIAENS
MANDATORY LICENSING & REGULATION OF PROFESSIONAL COUNSELORS

1/30	INTRODUCED

1/30 REFERRED TO BUSINESS & LABOR
1/31 FISCAL NOTE REQUESTED
2/01 REREFERRED TO HUMAN SERVICES & AGING
2/06 FISCAL NOTE RECEIVED
2/15 HEARING
2/23 COMMITTEE REPORT-BILL PASS AS AMENDED
2/23 STATEMENT OF INTENT ATTACHED
2/26 2ND READING PASS AS AMENDED 93
2/27 3RD READING PASS 92

TRANSMITTED TO SENATE
3/06 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
3/08 REREFERRED TO BUSINESS & INDUSTRY
3/20 HEARING
3/28 COMM REPORT-BILL CONCURRED AS AMENDED
3/30 2ND READING CONCURRED 31
4/01 3RD READING CONCURRED 31

RETURNED TO HOUSE WITH AMENDMENTS
4/08 2ND READING AMENDMENTS CONCURRED 79
4/08 ON MOTION RULES SUSPENDED
PLACED ON 3RD READING THIS DAY
4/08 3RD READING AMENDMENTS CONCURRED 89
4/15 SIGNED BY SPEAKER
4/15 SIGNED BY PRESIDENT

4/16 TRANSMITTED TO GOVERNOR
4/19 SIGNED BY GOVERNOR
CHAPTER NUMBER 572 EFFECTIVE DATE: 7/01/

HB 572 INTRODUCED BY DONALDSON, ASAY, ET AL.
FREEZE CERTAIN STATE ELECTED OFFICIALS' SALARIES

1/30 INTRODUCED
1/30 REFERRED TO STATE ADMINISTRATION
1/31 FISCAL NOTE REQUESTED
2/06 FISCAL NOTE RECEIVED
2/14 HEARING
2/26 ON MOTION PLACED ON 2ND READING
2/26 REREFERRED TO APPROPRIATIONS
3/22 HEARING
DIED IN COMMITTEE

HB 573 INTRODUCED BY PETERSON
ODOMETER DISCLOSURE UPON TRANSFER OF VEHICLE OWNERSHIP; FUNCTIONING ODOM.
BY REQUEST OF DEPARTMENT OF JUSTICE

1/30 INTRODUCED
1/30 REFERRED TO BUSINESS & LABOR
2/11 HEARING
2/12 COMMITTEE REPORT-BILL PASS AS AMENDED
2/16 2ND READING PASS 95
2/18 3RD READING PASS 99

TRANSMITTED TO SENATE
2/19 REFERRED TO HIGHWAYS & TRANSPORTATION
3/21 HEARING
3/21 COMMITTEE REPORT-BILL CONCURRED 49
3/23 2ND READING CONCURRED

HOUSE BILL NO. 571

INTRODUCED BY BERGENE, KEATING, CHRISTIAENS

IN THE HOUSE

January 30, 1985	Introduced and referred to Committee on Business and labor.
January 31, 1985	Fiscal Note requested.
February 1, 1985	Rereferred to Committee on Human Services and Aging.
February 6, 1985	Fiscal Note returned.
February 23, 1985	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 25, 1985	Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass as amended.
	Correctly engrossed.
February 27, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

March 6, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.
March 8, 1985	On motion, taken from Public Health, Welfare and Safety and rereferred to Committee on Business and Industry. Motion adopted.

March 28, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 31; Noes, 17.
	Returned to House with amendments.

IN THE HOUSE

April 2, 1985	Received from Senate.
April 8, 1985	Second reading, amendments concurred in.
	On motion, rules suspended and bill placed on third reading this day.
	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

HOUSE BILL NO. 571

INTRODUCED BY Beegene Keating Christiaens

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE MANDATORY LICENSING AND REGULATION OF PROFESSIONAL COUNSELORS; CREATING A STATE BOARD OF PROFESSIONAL COUNSELORS; CREATING A COMMUNICATIONS PRIVILEGE; PROVIDING PENALTIES FOR VIOLATIONS; AND ALLOWING DISABILITY AND HEALTH INSURANCE COVERAGE FOR WORK DONE BY LICENSED PROFESSIONAL COUNSELORS; AMENDING SECTIONS 33-22-111 AND 33-30-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Board of professional counselors -- appointment -- qualifications -- organization. (1) The governor shall appoint a board of professional counselors consisting of five members.

(2) The members must be residents of the state. In addition:

(a) three members must be licensed professional counselors engaged primarily in rendering professional counseling services;

(b) one member must be a licensed professional counselor engaged primarily in teaching, training, or research in counseling; and

(c) one member must be appointed from and represent

the general public and may not be engaged in professional counseling.

(3) A member may not succeed himself as a board member but may be reappointed 3 or more years after completing his most recent term.

(4) The board is designated a quasi-judicial board. Members are appointed, serve, and are subject to removal in accordance with 2-15-124.

(5) The board is allocated to the department of commerce for administrative purposes only as prescribed in 2-15-121.

NEW SECTION. Section 2. Purpose. The legislature finds and declares that because the profession of professional counseling profoundly affects the lives of people of this state, it is the purpose of [sections 2 through 14] to provide for the common good by ensuring ethical, qualified, and professional practice of professional counseling. [Sections 2 through 14] and the rules promulgated under [section 4] set standards of qualification, education, training, and experience and establish professional ethics for those who seek to engage in the practice of professional counseling as licensed professional counselors.

NEW SECTION. Section 3. Definitions. As used in [sections 2 through 14], the following definitions apply:

INTRODUCED BILL
HB 571

(1) "Board" means the board of professional counselors established under [section 1].

(2) "Licensee" means a person licensed under [sections 2 through 14].

(3) "Professional counseling" means engaging in methods and techniques that include:

(a) counseling, which means assisting an individual or a group, through the counseling relationship, to develop understanding of intrapersonal and interpersonal problems, to define goals, to make decisions, to plan a course of action reflecting his or their needs, interests, and abilities, and to use informational and community resources;

(b) appraisal, which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;

(c) technical assistance, which means applying scientific principles and procedures in counseling, guidance, and human development to provide assistance in understanding and solving a current or potential problem that an individual may have in relation to another individual, a group or organization, or other third party; and

(d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of such judgment, and communicating as requested or considered appropriate with such referral sources.

NEW SECTION. Section 4. Powers and duties of board. (1) The board shall:

(a) recommend amendments to [sections 2 through 14] to the governor or the legislature, or both;

(b) recommend prosecutions for violations of [section 14] to the attorney general or appropriate county attorneys, or both;

(c) annually publish a list of the names and addresses of all persons who are licensed professional counselors;

(d) establish requirements for continuing education that are conditions of license renewal;

(e) meet at least once every 3 months to perform the duties described in this section unless the board, by a consensus of its members, determines that there is no necessity for a board meeting;

(f) adopt rules that set professional and ethical standards for licensed professional counselors and such other rules as may be reasonably necessary for the

administration of [sections 2 through 14]; and

(g) distribute a copy of the professional and ethical standards to each licensed professional counselor.

(2) The board may adopt rules governing the issuance of certificates of special competence in particular areas of practice as a licensed professional counselor. The board shall establish criteria for each particular area for which a certificate is issued.

NEW SECTION. Section 5. Representation to public as licensed professional counselor -- limitations on use of title. (1) No person may represent himself to be a licensed professional counselor by adding the letters "LPC" after his name or by any other means unless licensed under [sections 2 through 14]; and

(2) Subsection (1) does not prohibit:

(a) a qualified member of another profession, such as a physician, psychologist, lawyer, pastoral counselor, probation officer, court employee, nurse, social worker, school counselor, or educator, from professional counseling consistent with his training if he does not hold himself out to the public by a title or description incorporating the words "licensed professional counselor", "licensed counselor", or "professional counselor";

(b) an activity or service or use of an official title by a person employed by a federal, state, county, or

municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

(c) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees;

(d) an activity or service of a student, intern, or resident in mental health counseling pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activity or service constitutes a part of the supervised course of study;

(e) an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year, if the person is authorized under the law of the state or country of residence to perform such activity or service. However, such person shall report to the department of commerce the nature and extent of the activity or service if it exceeds 10 days in a calendar year.

(f) pending disposition of the application for a license, the activity or service by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state,

and is licensed to perform such activity or service in the state of his former residence.

NEW SECTION. Section 6. Licensure requirements. (1) To be licensed on or before October 1, 1987, as a professional counselor under [sections 2 through 14], an applicant must have satisfactorily completed:

(a) a planned graduate program of study that was primarily counseling in nature which resulted in an advanced degree in a counseling field from an institution accredited to offer such a degree program;

(b) 2,000 hours or more of postdegree work experience as a counselor in a hospital, school, agency, or other supervised setting;

(c) and passed an examination prepared and administered by the board or a national examination approved by the board; and

(d) an application form and process prescribed by the board that includes submission of three letters of nomination from counselors or related professionals, each of whom holds a master's degree or higher and who can attest to the quality of the applicant's work.

(2) To be licensed after October 1, 1987, an applicant must have satisfactorily completed:

(a) a planned graduate program of 90 quarter hours, primarily counseling in nature, nine quarter hours of which

were earned in an advanced counseling practicum, which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;

(b) 2,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least half of which was postdegree. The applicant must have each supervisor endorse his application for licensure, attesting to the number of hours supervised.

(c) and passed an examination prepared and administered by the board or a national examination approved by the board; and

(d) an application form and process prescribed by the board.

NEW SECTION. Section 7. Fees. (1) Each applicant for a license shall, upon submitting his application to the board, pay an application fee set by the board equal to the cost of processing the application.

(2) Each applicant for a license required to take an examination shall, before commencement of the examination, pay an examination fee set by the board equal to the cost of administering the examination.

(3) Each applicant shall, before receipt of a license or license renewal, pay a fee set by the board equal to the cost of issuing a license.

(4) Subject to 37-1-101(6), money paid for application, examination, license, and license renewal fees must be deposited in the state special revenue fund for the use of the board.

NEW SECTION. Section 8. Issuance, effective date, and display of license. (1) If an applicant meets the requirements contained in [section 6] and has paid the appropriate fees, the board shall issue a license to the applicant attesting to the date and fact of licensure. The license is effective on the date of issuance and expires 3 years after that date.

(2) The license must be displayed in the registrant's place of business or employment.

NEW SECTION. Section 9. Reciprocity. Upon payment of the license fee provided for in [section 7], the board may issue a license to a person who, at the time of application, is licensed or certified as a professional counselor by an agency located in another state if the requirements of such licensure or certification are substantially similar to the requirements of [sections 2 through 14].

NEW SECTION. Section 10. Renewal of license. (1) An application for renewal of an existing license made within 60 days after the expiration of the license is timely, and the rights and privileges of the applicant during that period remain in effect.

(2) Application for renewal must be made upon a form provided by the department. A renewal license must be issued upon payment of a renewal fee set by the board and upon submitting proof of completion of continuing education requirements established by the board.

NEW SECTION. Section 11. Suspension or revocation of license. (1) The board may suspend or revoke the license of a person found according to the procedure contained in [section 12] to have violated a professional or ethical standard adopted by the board. A person may not practice counseling in this state as a licensed professional counselor during the period for which his license is suspended or revoked.

(2) The board may not suspend a license for more than 6 months. Upon termination of the suspension period, the person whose license has been suspended must undergo a board review before resuming practice as a licensed professional counselor.

(3) The board may not revoke a license for less than 3 years. Upon termination of the revocation period, the person whose license has been revoked may apply to the board for reinstatement.

NEW SECTION. Section 12. Procedure for charging violation of professional or ethical standard. (1) A member of the board or any other person may charge a licensee with

violating a professional or ethical standard adopted by the board. The charge must be made by affidavit, subscribed and sworn to by the person making it, and filed with the department of commerce. The charge must be investigated by the board, and unless the board dismisses the charge after investigation as unfounded or trivial, the board must act on the charge within 6 months after the date on which the charge was filed. The board is considered to have acted on a charge if it has given notice by mail to the licensee of its intent to suspend or revoke his license and the notice contains those matters required by 2-4-601.

(2) A hearing on the charge must be conducted in accordance with 37-1-121(1) and the Montana Administrative Procedure Act.

NEW SECTION. Section 13. Privileged communications -- exceptions. A licensee may not disclose any information he acquires from clients consulting him in his professional capacity except:

(1) with the written consent of the client or in the case of the client's death or mental incapacity, with the written consent of the client's personal representative or guardian;

(2) that he need not treat as confidential a communication otherwise confidential that reveals the contemplation of a crime by the client or any other person

or that in his professional opinion reveals a threat of imminent harm to the client or others;

(3) that if the client is a minor and information acquired by the licensee indicates that the client was the victim of a crime, the licensee may be required to testify fully in relation thereto in any investigation, trial, or other legal proceeding in which the commission of such crime is the subject of inquiry;

(4) that if the client or his personal representative or guardian brings an action against a licensee for a claim arising out of the counselor-client relationship, the client is considered to have waived any privilege;

(5) to the extent that the privilege is otherwise waived by the client; and

(6) as may otherwise be required by law.

NEW SECTION. Section 14. Misdemeanor violations -- penalties. (1) It is a misdemeanor for a person to knowingly:

(a) represent himself as a licensed professional counselor without being licensed under [sections 2 through 14];

(b) obtain or attempt to obtain a license or license renewal by bribery or fraudulent representation; or

(c) make a false statement on any form used by the board to implement [sections 2 through 14] or the rules

adopted under [sections 2 through 14].

(2) A person convicted under this section shall be imprisoned in the county jail for a period not exceeding 6 months or fined not more than $500, or both. A person convicted of any subsequent offense under this section shall be punished by both such fine and imprisonment.

Section 15. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies, and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, dentist, osteopath, chiropractor, optometrist, chiropodist, psychologist, ~~or~~ nurse specialist as specifically listed in 37-8-202, or professional counselor for treatment of any illness or injury within the scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any duly licensed and registered pharmacist.

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of

the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 16. Section 33-30-101, MCA, is amended to read:

"33-30-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Health service corporation" means a nonprofit corporation organized or operating for the purposes of establishing and operating a nonprofit plan or plans under which prepaid hospital care, medical-surgical care, and other health care and services, or reimbursement therefor, may be furnished to a member or beneficiary.

(2) "Health services" means the health care and services provided by hospitals or other health care institutions, organizations, associations, or groups and by doctors of medicine, osteopathy, dentistry, chiropractic, optometry, and podiatry; nursing services; licensed social worker, professional counselor, or psychologist; medical appliances, equipment, and supplies; drugs, medicines, ambulance services, and other therapeutic services and supplies.

(3) "Membership contract" means any agreement, contract, or certificate by which a health service

corporation describes the health services or benefits provided to its members or beneficiaries."

NEW SECTION. Section 17. Licensure of certain board members appointed to initial board. Notwithstanding the qualifications for appointment contained in [section 1(2)(a) and (b)], a person may be appointed to the initial board without being licensed as a professional counselor if he is issued a license under this act within 30 days after his appointment.

NEW SECTION. Section 18. Codification instruction. Section 1 is intended to be codified as an integral part of Title 2, chapter 15, part 18, and the provisions of Title 2, chapter 15, apply to section 1.

NEW SECTION. Section 19. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

STATE OF MONTANA

F I S C A L N O T E

REQUEST NO. FNN 292-85

Form BD-15

In compliance with a written request received January 31, 19 85 , there is hereby submitted a Fiscal Note for House Bill 571 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Provides for licensing and regulation of Professional Counselors, creates a state board of professional counselors; creates communications privileges; provides penalties for violations; allows disability and health insurance coverage for work done by licensed professional counselors.

ASSUMPTIONS:

1. 5 members, 4 meetings a year = minimum of 20 meeting days at an average of $300 per person per day for travel and compensation. $4000 in FY 86, $6,000 in FY 87.
2. Assume 23 pages rules and notices at $14 a page = $322 per year
3. Assume .25 FTE (Grade 10, Step 2) plus 18½% benefits.
4. Assume use of professional examination service at $50 per examination.
5. Assume 200 licensees in FY 87, 10 new applicants per year and no licenses issued in FY 86.
6. Indirect costs of $200 per year to Department of Commerce.
7. Assume renewals every 3 years and expiration on the date of issue rather than a set renewal date.
8. Assume that the continuing education required for renewal will not affect FY 86-87.
9. Assume that all persons must be licensed by October 1, 1987 who are practicing in Montana on that date.
10. 20 hours legal at $40 an hour = $800 per year.
11. Assume the use of an automated licensing system, costing $400 for set up in FY 86 and $200 for maintainance in FY 87
12. Assume fees commensurate with costs.
13. Provide filing equipment and an automated typewriter. $250 in FY 86 and $2,000 in FY 87.

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 6, 1985

FN7:D/1

HB 571

FISCAL IMPACT:

	FY 86	FY 87	Biennium
On State Special Revenues:			
Revenues:			
Current	-0-	-0-	-0-
Proposed	$13,238	$15,938	$29,176
Expenditures:			
Current	-0-	-0-	-0-
Proposed	$13,238	$15,938	$29,176

TECHNICAL OR MECHANICAL DEFECT OR CONFLICTS WITH EXISTING LEGISLATION:

1. Expiration date should be the same date for all licensees rather than on the date of issue which is difficult to administer.
2. Bill provides for qualifications for licensure before and after October 1, 1987, but does not state professional counselor must be licensed.
3. Areas of special competence are not defined in the bill.
4. The proposed bill paraphrases the statutes regulating psychologists and masters of social work and appears to give counselors essentially the same rights and privileges while requiring much less education and training.
5. Provides for original license to expire 3 years after date of issue, but does not clearly state if renewal licenses will be issued for another 3 year period or for some other time frame (annual or biennial).

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The 3 year licensing period, as proposed, will cause administrative hardships in keeping licensees notified for renewals and other board related notices. People move and change names without notifying the board or the department. Those boards currently using biennial renewals have requested a change to annual renewals during this legislative session due to these kinds of problems in tracking licensees.

There being no further discussion on House Bill No. 271, the hearing was closed.

HOUSE BILL NO. 510: Hearing commenced on House Bill No. 510. Representative Eudaily, District #60, sponsor of the bill stated that an act creating a marriage and family therapy standards committee and a social work standards committee under the Board of Social Work Examiners; renaming the Board of Social Work Examiners; regulating the practice of marriage and family therapy; providing standards and qualifications for licensure was needed.

Proponent Jim Ramsey indicated in his statement that he wished to have the bill tabled.

There were no further proponents and opponents present. Representative Eudaily closed the hearing.

There being no further discussion on House Bill No. 510, the hearing was closed.

HOUSE BILL NO. 571: Hearing commenced on House Bill No. 571. Representative Bergene, District #41, sponsor of the bill, stated that an act providing for the mandatory licensing and regulation of professional counselors; creating a state board of professional counselors; creating a communications privilege; providing penalties for violations; and allowing disability and health insurance coverage for work done by licensed professional counselors was needed.

Proponent Ted Doney of Helena indicated his support of this bill. Cathleen Campbell, representing the Montana Association of Counselors supports this bill. Rowin Conrad of Missoula, a counselor, social worker and psychologist stated that a need for diversity by counselors was needed. Lucia Glenn of Billings indicated her support. Dwight Leonard, possessing a doctorate in counseling indicated that this was not an exclusionary bill. Hazel Smith, representing the Montana Mental Health Services indicated her support as did Dick Harswell, Bozeman, read excerpts from letters of support for this bill. Joy McGrath indicated her support as did Tom Drooger, representing the Montana Child Care Association. Gayle Kline supplied a proclamation from the National Mental Health Counselors Week which was supplied by the American Mental Health Counselors Association. Exhibit 9. Shirley Thennis, representing the Montana Nurses' Association indicated her support.

Opponents included Bailey Noleneux indicated that the educational requirements were too vague in the writing of the

bill. Ilene Morgan of Helena opposes the bill. Judi Burkhartsmeyer also indicated her opposition to this bill. John Alke, representing the Montana Physician's Service opposes this legislation because of the occupational act which are submitted into the bill. Steve Brown, representing Blue Cross of Montana indicated his opposition.

There were no further proponents or opponents present. Representative Bergene was then excused by the Chair.

Questions were raised by Representative Wallin who indicated his concern of the number of people seeking counseling. Representative Keenan indicated that seventeen states have thier party payment.

There being no further discussion on House Bill No. 571, the hearing was closed.

HOUSE BILL NO. 540: Hearing commenced on House Bill No. 540. Representative Devlin, District # 25, sponsor of the bill stated that an act extablishing and funding a child abuse prevention program was needed. Representative Devlin also discussed the fiscal note attached to this bill.

Proponents included John Madsen of the Montana Department of Social and Rehabilitation Services. Bill Thomas, a resident of Missoula indicated that the three additional bills regarding the same legislation should be combined. Judy Carlson, representing the Association of Health Departments indicated that this legislation was the better of all of the bills. Joy McGrath, representing the Mental Health Association said there were good concepts in this legislation. JoAnn Peterson indicated her support as did Terry Alpert who had previously been a child abuser. Ms. Alpert received counseling which enabled her to cope with her problem in that she was able to establish the Parents Ananymous. Bailey Molineux of the Montana Psychological Association indicated his support of this bill as did Gloria Sprague. Don Allen representing the Montana Hospital Association said that everyone can participate in this program. Bob Deaton, associated with the Department of Social Work at the University of Montana said that the program was needed for prevention and small projects in our local communities to prevent child abuse and neglect. Exhibit 10 indicates his support. Jim Smith of the Human Resources Association said that the combination of the bills on child abuse would be beneficial. Jerry Leondorf, representing the Montana Medical Association indicated his support.

EXHIBIT 9
February 15, 1985

National Mental Health Counselors Week, 1984

By the President of the United States of America

A Proclamation

Mental health counselors use special counseling skills and understanding of human development to help their fellow Americans cope with problems of adjustment, the pain of illness, and the stresses of life. They provide 50 percent of the mental health services delivered in this country, working with the chronically mentally ill, the depressed, the anxious, the abused, and others, who, through no fault of their own, cannot fully meet their daily obligations or experience life's pleasures.

Through a variety of techniques, mental health counselors assist people to attain self-understanding and skills needed to solve problems, make decisions, and successfully deal with others in an increasingly complex world. Mental health counselors work in hospitals, community agencies, clinics, and the private practice sector and with all types of health professionals, applying the expertise gained through their many years of education and training.

In recognition of the important services that these counselors perform for others to save lives and reduce suffering, the Congress, by Senate Joint Resolution 203, has designated the week beginning April 8, 1984, as National Mental Health Counselors Week and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 8, 1984, as National Mental Health Counselors Week. I call upon health care professionals, educators, the media, individuals, and public and private organizations concerned with mental health to observe this week with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of April, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

AMHCA

AMERICAN MENTAL HEALTH COUNSELORS ASSOCIATION
1405 Northgate Drive
Opelika, Alabama 36801
1-800-354-2008

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(212) 548-4000, Ext. 270

January 7, 1985

Dear Montana Legislators:

On behalf of the American Mental Health Counselors Association and the hundreds of members of the Montana Counselors Association (ACA), a division of the American Association for Counseling and Development which has over 42,000 + members nationally, I am writing to request your support of their efforts to procure licensure in the state of Montana for professional counselors. Members of the Montana Counselors Association have, over the last several years, worked very diligently to inform and convince you, their elected leaders, that it is essential to both the welfare of the consumer and for the protection of the profession that a licensure law be enacted that would regulate professional behavioral health care providers. The recognition of licensed professional counselors by state governments has been a slow but steadily encouraging process. At the present time, there are ten states that license or certify professional counselors. They are Texas, Tennessee, Alabama, Arkansas, Virginia, Florida, Idaho, Georgia, North Carolina, and Ohio. In addition to these states which have already passed counselor licensure, there are bills pending in 28 other states. As has been the case with other mental health professionals, obtaining state licensure is a state-by-state process. The fact that professional counselors are not recognized legislatively throughout all 50 states speaks more to the issue of politics than it does to the issue of professional competency.

Professional counselors in Montana are currently providing direct client services in a variety of settings including community mental health centers, private practice, hospice, and other state agencies. Professional counselors also work in many underserved communities and are often the only providers of individual and group counseling for persons needing intervention and preventitive mental health care. Professional counselors hold masters degrees or doctoral degrees in behavioral health fields and have had supervised experience working with individuals, families, or groups who are having life-coping problems, career adjustment problems, or general personal problems. Counselors are trained experts in dealing with the average person who is having these

difficulties. As president of the American Mental Health Counselors Association and as a currently licensed professional counselor in Alabama, I strongly encourage you to support your constituents' efforts to certify behavioral health professionals.

Warmest regards,

Richard R. Wilmarth
President

RRW/sk

PROPOSED TESTIMONY FOR HOUSE BILL 571 ON COUNSELOR LICENSURE

My name is Rowan Conrad. I am Director for Counselor Training Programs at the University of Montana.

A couple of years ago I was invited by a group developing a counselor licensure legislation to work with them. I have been working with them formally and informally since.

I have been impressed with the quality and sincerity of my colleagues working on this legislation. They have been thorough in their research into other counselor licensure bills in force, sincere in seeking wide and diverse input from others, and generally responsible in their approach to the issue. They have modeled the current legislation on national guidelines and the experience of others; primarily the licensure bill in Idaho. They have communicated widely with Montanans and made adaptations to meet local concerns. They have held several open meetings on the bill with widely broadcast invitations; including a State-wide hearing in Bozeman last year attended by over thirty persons from across the State. As a result of that meeting a wide range of concerns was heard and persons in attendance were allowed to vote on all items of disagreement. The current bill has been faithful to the input and votes at that meeting. I can verify this as I attended the meeting, presented my own concerns, and a list of concerns on behalf of the clinical psychology faculty at UM. My major input was incorporated as were the majority of suggestions sent by UM's clinical faculty.

I am sure the current bill does not fully please everyone. I am convinced that it is the best legislation in this arena that we can develop giving fullest consideration to the range of needs and interests that impinge on this issue. It has several key features that I believe make it both comprehensive and credible.

1. The permanent licensure requirement is at the 90 credit level or the "masters degree + thirty credit" level. This satisfies neither those who believe licensure should be available to any masters degree holder nor those who believe licensure should be limited to the doctorate. This level of qualification meets the basic need of both camps as it does not require the doctorate, but it requires as extensive a preparation as a Ph.D. if you do not count the research requirements for that degree. (Counselors, and a segment of psychologists, do not believe the extensive research training is relevant for applied (as opposed to academic professionals.) It is a compromise that I believe does not detract quality.

2. The bill is generic in that it licenses counselors as a group instead of further subdividing an overall profession that is sufficiently fractured. (e.g. Note the legislature will be licensing three different mental health professions already.) A strength of counselors versus other mental health practitioners is that counselors are generalists and very diverse in their emphasis skills and interests. Some think this is a problem. I see it as a major strength. At this time I see no need or advantage to complicate the picture with counselor specialty legislation. (I believe this decision is best left to the board. At such time as the State seems to need specialty designation, the board should be allowed to develop such. The current bill avoids getting counselors into the "I'm better than you are" family infights that at times characterize battles between the various professional designations in the broader mental health field--counselors versus psychologists versus social workers versus psychiatrists).

3. Counseling diversity means a diversity of preparation experiences. Again, I believe this is a strength in our overspecialized society. In order to assure the quality of preparation safegards have been installed.

a. The bill requires more than the masters degree

b. A planned program of study and an advanced degree are required rather than a random selection or courses that someone picked up over time. This means that persons not trained in a set program must have their preparation organized and attested by a qualified responsible faculty member.

c. It requires successful completion of nine credits in an advanced practicum. Students who do not possess a basic competency should not be able to survive such an extensive practicum.

d. It will require passing one of two nationally normed examinations for counselors plus whatever other processes the Board deems appropriate for our State. Nobody is excused from examination; including during the "grandfather" period.

Thus rather than an extensive list of nationally dictated requirements, a set of key catchpoints insures quality while allowing Montana faculty to target training and the Board to grant licenses based largely on Montana needs. This will be the only license in the mental health field that grants such flexibility--other licenses are tied tightly to national curricular guidelines. This bill is based on national guidelines (90 credits, 9 credits of advanced practicum, etc.) but allows some flexibility for meeting our local needs and conditions.

4. This bill allows for training in Montana at more than one Montana institution. Currently licensed social workers are either imported or else Montanan's are exported for training. Currently only UM trains clinical psychologists for licensure. This allows us to "grow" a diversity of mental health professionals at home to meet our own needs.

Frankly, the only persons that I have found to be opposed to the bill are:

1. Persons who fear the competition will drive down prices for mental health services in the market place (and they are correct, it will--private counselors fees are usually about half what psychologists, for example, charge);

2. Insurance companies who fear that insurance costs will rise (and they are incorrect for the same reason--counselor's services cost less); and

3. Persons who have seen past abuse of licenses by professionals to try to gain a monopoly priviledge and exclude others for economic reasons dressed up in "protect-the-public" professional clothes. Stella Jean Hansen indicated that concern in a letter to me. It is one I share, and a kind of discrimination that has been applied to me, and to many counselors in the past by the ways psychologists have tried to implement their law. This is not the intent of the current legislation or of anyone involved in its development to the best of my knowledge. Many of us have suffered from the way the Board of Psychologists have, at times, attempted to implement their bill. We would not inflict that on others. We here correct an (untentional I'm sure) discrimination that now exists in legislation when psychologists and social workers are licensed, but the profession that nationally provides most of the services, counselors, is not.

   But probably your best guarantee against this is in the nature of the counseling profession itself. It is diverse. It respects the vastness of the domain of knowledge in the "helping fields" generally. It is non-exclusivist and non-elitist by nature. It believes the in the powers and capacities of individual clients as the key to progress on concerns. Counselors do not want to stop anyone from doing anything. They simply want the legal status to go with their professional status for those that have special professional training and can demonstrate absorption of that training by examination. The current legislation is inclusive and descriptive. It is not exclusionistic or elitist.

I have been asked if this is merely a ploy to add faculty and programs to the University system. It is not. Programs are already in place. Any current resource requests are apart from this legislation. It seems to me that the current legislation is good in that it does not cost the taxpayers, and it should save money for consumers by generating more available lower cost mental health services. If find it professionally sound. I urge your support. Thank you.

TESTIMONY
by

Katheen Campbell
supporting
House Bill 571

I'm Kathleen Campbell, a counselor in private practice in Billings. I am also the Chairperson of the Montana Mental Health Counselors Association's Licensing Committee, and I represent the Montana Association of Counseling and Development. Members of the Montana Association of Counseling and Development include Psychologists, Psychiatrists, School Counselors, Social Workers, and Counselors.

We came before the Senate two years ago with a licensing bill, and it was defeated in committee. In retrospect, that was good as we present to you today a bill that is of far superior quality to the one two years ago. After our defeat, our state organinzation funded a trip to Houston, Texas for me to work with our National organization, as well as with persons from other states where counselor licensure bills have been adopted. After one week of work, I returned to Montana and began tailoring our bill for the state of Montana.

We've had over 100 people intimately involved in this process, and feel we have a licensing bill now that will allow the public to be assured that Licensed Professional Counselors have met strict quality standards.

This bill is modeled after a national bill drafted by the American Association of Counseling and Development which has 42,000 members. Our state organization represents over 300 counselors. We believe that nearly 200 counselors will likely be licensed under the bill in Montana.

One of the most extensive mental health studies done by the National Institute of Mental Health in 1978, called the Midtown Manhattan Study, shows that approximately 23% of the population will utilize mental health services. Only 2.3% of these require a Psychiatrist due to their problems. The others can utilize a counselor's services. It's like--you don't need to see a brain surgeon for a headache. Thus, this bill assures the public of a less costly alternative to mental health care by people who are adequately qualified.

HOUSE BILL 571

LICENSURE OF PROFESSIONAL COUNSELORS

FACT SHEET

HB 571 provides for the licensing and regulation of professional counselors, also know as mental health counselors.

Following are the main features of the bill:

1. Prohibition that no person may represent himself to be a "licensed professional counselor", "licensed counselor", "professional counselor", or "LPC" unless he is licensed as provided in the bill. THE BILL DOES NOT PROHIBIT ANYONE FROM ENGAGING IN PROFESSIONAL COUNSELING UNLESS HE IS LICENSED; IT ONLY REQUIRES THAT ONE MUST BE LICENSED TO HOLD HIMSELF OUT AS A LICENSED PROFESSIONAL COUNSELOR. (Section 5)

2. Specific exemptions for psychologists, pastoral counselors, school counselors and many others so long as they do not hold themselves out as "licensed professional counselors." (Section 5)

3. Establishment of a Board of Professional Counselors in the Department of Commerce to administer examinations, issue licenses, and regulate the profession. (Sections 1 and 2)

4. Educational and experience requirements in order to obtain a license. These requirements will be more stringent after October 1, 1987. (Section 6)

5. NO GRANDFATHERING, except that the requirements to obtain a license are slightly less strict up to October 1, 1987. (Section 6)

6. Requirement that information obtained by a licensed counselor be confidential, with certain enumerated exceptions. (Section 13)

7. Provision for health insurance coverage AT THE OPTION OF THE CONSUMER for professional counseling. (Sections 15 and 16)

Some Facts:

1. There are 42,000 counselors who are members of the American Association of Counseling and Development.

2. There are over 300 counselors who are members of the Montana

Association of Counseling and Development.

3. Up to 200 people will probably be licensed under this bill.

4. 10 other states have similar licensing laws, and 28 additional states are considering such legislation.

5. Apart from the research core required in doctoral programs, the credits required by this legislation are as extensive as those required to license a pshychologist.

6. Legislation is now pending in Congress to provide for Medicare and Medicaid coverage for licensed Professional Counselors.

Reasons For The Bill:

1. Ensure that the consumer will be able to make intelligent choices in the selection of qualified and competent professional counselors.

2. Provide less costly mental health counseling through health insurance coverage. (Professional counselors typically charge less than psychiatrists or psychologists.)

3. Upgade the profession by ensuring qualifications and ethical standards.

4. Provide freedom of choice to the consumer in selecting mental health counseling alternatives. (Now health insurance coverage is available only for psychiatrists and psychologists.)

Prepared by Montana Association of Counseling and Development and the Montana Mental Health Counselors Association

543 S. 4th W.
Missoula, MT 59801
February 11, 1985

Nancy Keenan
Chairperson / Committee Members
House Human Services Committee
Capital Station
Helena, MT 59620

Dear Ms Keenan and Committee Members,

I am writing to support the counselor licensing bill, HB 571. I am a licensed Clinical Psychologist (#96) in the state of Montana and have practiced here for the past 6 years.

I believe this bill will provide the people of Montana with the larger number and variety of human service providers we need while helping insure better quality services.

Please support the passage of this bill. Thank you for your attention.

Sincerely yours,
Kathryn L. Fenton, Ph.D.
Clinical Psychologist

Montana State University
Bozeman, Montana 59717

Counseling Center

Telephone (406) 994-4531

2/11/85

Dr. Richard Horswill
Coordinator, Counselor Education
Montana State University
Bozeman, MT 59717

Dear Dr. Horswill,

I will be out of the country on February 15, and will not be able to give personal testimony regarding House Bill 571, Professional Counselor Licensing. However, I am familiar with the bill and totally support legislation which will license professional counselors. The passage of this bill would identify those individuals who meet the standard training credentials required for a professional counselor. Equally important, is the fact that Montanans seeking help from qualified professional counselors will be assured that the professional is adequately trained at the graduate degree level, has received appropriate supervision, and conforms to a recognized code of ethics established by the American Association for Counseling and Development.

I am pleased to endorse House Bill 571, and view this legislation as a major step forward in mental health service for the State of Montana.

Sincerely,

John O'Connell

John O'Connell, Ph.D.
Director, Counseling & Psychological Services
Licensed Psychologist

JOC:kmt

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Honorable Legislators:

Since I have been informed that the Montana Psychological Association is testifying in opposition to House Bill 571 for "Licensing and Regulation of Professional Counselors," I want to make clear that this position does not have the unqualified support of all the members. In fact, in our Autumn, 1984 meeting the majority of the members present voted in opposition to the position MPA is presently taking. (Since then a ballot on this issue was mailed to all members with the report from the Autumn meeting. How many members responded I do not know.)

As an active member of the Montana Psychological Association I want to state my conviction that MPA should not be involved in this issue. I am aware of other members of MPA who share that conviction. I am also personally in favor of the licensing of Master's level counselors so they can properly regulate themselves. I am not opposed to House Bill 571 in particular, although I believe the bill would be strengthened by an indication that "appraisal" in 3. (3) (b) should not be confused with "psychological evaluation." It would be further strengthened by some indication that counselors are obliged to seek consultation from a psychiatrist or psychologist regarding the diagnosis, treatment or referral of severely emotionally disturbed individuals or families.

Thank you for your consideration of this letter.

Sincerely,

Hugh M. Black, Ph.D.
Licensed Clinical Psychologist

MMH

February 14, 1985

To the Honorable Members
of the House Health and Human services committee.

Dear Members,

I take this timely opportunity to speak in favor of the intent of the Bill to provide licensure of professional counselors and the possibility of third-party reimbursement for services. It originated as LC 784.

My reasons:

1. It will upgrade the quality of professional standards, thus increasing the quality of service available to the citizens of Montana.

2. Achieving third party reimbursement for counseling services is of the utmost importance to private social service agencies. As public tax dollar funding for social service programs continues to decline, private agencies and indivdual private practice counselors continue to be ;impacted with increased requests for services. We are consequently impacted with the increased costs of providing those services.

3. The Board of Directors of our particular agency mandates a policy that we provide counseling to all persons regardless of ability to pay. We turn no one away for lack of money or insurance. Our flexible, sliding fee scale permits clients to receive full counseling services at a fee rate they choose to set for themselves.

I regret that I am not able to be present in person before you on this matter.

I remain respectfully yours,

Kenneth Gjerde

Kenneth Gjerde, Executive Director
Lutheran Social Services of Montana

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LUTHERAN SOCIAL SERVICES OF MONTANA

Congregations, Communities, And People Serving Together

February 12, 1985

TO WHOM IT MAY CONCERN

I am writing in regard to House Bill 571, a bill to license professional counselors. I strongly support this effort to establish a system to monitor the profession of counseling. This is an important step in providing trained competent professionals in this important field.

Sincerely,

Kathleen O'Malley

Kathleen O'Malley, Ph.D.
Licensed Psychologist #153

KO:sw

Licensure w[illegible]ot restrict the supply of professional counselors, as has often been the case with other occupational groups. Standards for counselor licensure are competency-based and are not intended to be exclusionary on the basis of professional affiliation or restricted specialization. If anything, the number of professional counselors should increase due to the broadened options that legal recognition would provide. The resulting enhancement of the preventive component of mental health services should have the effect of reducing overall costs rather than escalating them.

QUESTION: How will counselor licensure be administered?

ANSWER: The counselor licensure bill provides for the establishment of a Board of Examiners in Professional Counseling to be appointed by the Governor. The Board will be composed of professional counselors representing various work settings, specializations, and levels of training, and lay persons representing the public at large. The Board would be empowered to implement the standards set by law, review individual applicant qualifications, establish examining procedures, issue licenses, conduct investigations, and discipline incompetent or unethical practitioners. Actions of the Board would be subject to legislative audit and oversight by the executive branch. Administrative costs would be borne entirely by licensure application, examination, and renewal fees.

QUESTION: Who is sponsoring the effort to license professional counselors?

ANSWER: This legislative effort was initiated by the state professional counselors organization, which is a branch of the American Association for Counseling and Development. The national organization consists of over 42,000 members in school, college, mental health, correctional, rehabilitation, job service, vocational, community agency, family service, and private practice settings. Counselor licensure laws have been passed by seven states since 1976. The bill has also been endorsed by lay and professional organizations interested in mental health and education.

QUESTION: How will these sponsoring groups benefit from the passage of a counselor licensure law?

ANSWER: This bill wi[illegible]otect the constitutional right of professional counselors to practice their profession. The scope of practice clause is designed to be descriptive rather than exclusionary. Its purpose is to define what professional counseling *is* and what professional counselors *do*, not necessarily to prevent members of other professions from engaging in the services listed. Licensed clinical psychologists, for example, could provide career development services as long as such activity did not violate rules of the psychology licensing board and as long as they did not represent themselves as licensed professional counselors. It should be noted that a diametrically opposite position by the state psychology board is another reason why professional counselors began to seek legal recognition through statutory licensure.

Lay and allied professional organizations have a variety of reasons for supporting this bill. Most of these reasons spring from a commitment to preventive mental health services and the belief that professional counselors are best suited by training, experience, and philosophical orientation to provide these services.

The state professional counselors organization, while acknowledging that the bill will benefit the profession, firmly believes that its primary effects and benefits lie in the areas of consumer protection and assurance of quality mental health services. The people of this state deserve nothing less.

* * * * * * * * *

The preceding questions are frequently asked by state legislators when they are considering licensure bills. The answers provided are intended as suggested responses for counselors serving as lay lobbyists and members of a government relations network.

* * * * * * * * *

For further information, contact:

American Association for Counseling and Development
5999 Stevenson Avenue
Alexandria, Virginia 22304

This brochure was prepared by the AACD Licensure Committee as a service to state branch organizations.

COUNSELOR LICENSURE:

ANSWERS TO LEGISLATORS' QUESTIONS

QUESTION: What is the problem?

ANSWER: Professional counseling is a unique specialty within the broad field of mental health services that focuses on the strengths and potentials of individuals. Professional counselors are committed to facilitating human growth and development through individual and group counseling, educational procedures, consultation, and research.

The title "counselor" enjoys a general acceptance by the public at large. It is not surprising that this title has been appropriated by a variety of sales personnel, by massage parlor operators, by abortion clinics, and even by palm readers, as a means of gaining credibility and minimizing public resistance. This kind of occupational smokescreen has led to confusion in the public mind as to the identity and function of professional counselors with graduate degrees and extensive training in the field. Much more serious, however, is the growing incidence of untrained, unscrupulous persons offering "counseling services" of an exotic nature, often for outlandish fees.

QUESTION: Why should professional counselors by licensed?

ANSWER: Since professional counseling has no legal definition in this state, literally anyone may claim the title "counselor." There is no machinery for identifying qualified practitioners, for enforcing professional standards, or for holding practitioners accountable for their actions. The Yellow Pages are an excellent means of identifying a plumber, but they provide little guidance for the consumer in selecting a counselor.

Licensure would protect the public's right to be served by qualified counselors and ensure freedom of choice in opting for counseling services in preference to mental health services of other orientations. Licensure would provide the machinery for enforcing professional standards. The use of the title "professional counselor" would be restricted to practitioners with the demonstrated skills prescribed by these standards. The counseling profession's Code of Ethics would be enforceable. The public's access to counseling services would be enhanced, as would assurance of competent practice.

??????????????????????????????

QUESTION: What efforts have already been made to address these problems?

ANSWER: The National Board for Certified Counselors (NBCC), founded in 1982, has already certified nearly 8,000 professional counselors. This certification process includes comparison of applicants' graduate transcripts with professional training standards, supervisor and colleague recommendations, and satisfactory performance on a standardized national examination. Applicants meeting criteria are designated as National Certified Counselors. This certification will enable consumers, employing agencies, and others to identify those practitioners who have demonstrated a high level of professional competence. The Commission on Rehabilitation Counselor Certification and the National Academy of Certified Clinical Mental Health Counselors have initiated national certification procedures for rehabilitation counseling and mental health counseling, respectively, following federal guidelines for credentialing health services providers.

Since 1976 seven states (Alabama, Arkansas, Florida, Idaho, North Carolina, Texas, and Virginia) have provided a legal remedy by passing counselor licensure legislation. In the remaining states regulation of the practice of professional counseling currently does not exist.

QUESTION: Have alternatives to licensure legislation been considered?

ANSWER: National certification procedures are mentioned above. In the past, some counselors trained at the doctoral level have been licensed by state boards regulating the practice of applied psychology. Most psychology boards are now withholding their endorsement from all applicants except those who are Ph.D. graduates of university psychology departments. Most counseling graduates at both the master's and doctoral levels receive their training in schools of education and are thus excluded from even taking the psychology licensing examination.

Proposed legislation that would provide title certification has been discussed in some states. This move would afford some consumer protection, but real regulation in the sense of enforcing professional standards would not be addressed.

Professional disclosure, by which the practitioner provides the client with full information related to professional training and qualifications prior to rendering services, has been advocated as a necessary ethical consideration. Most professional counselors in the private sector follow this practice on a voluntary basis. Licensure legislation would make professional disclosure a key component of the regulatory process.

QUESTION: How will the public benefit from professional counselors being licensed?

ANSWER: The public will enjoy increased access to counseling services. Community agencies are sometimes prevented by funding guidelines from hiring unlicensed mental health providers for professional level positions. Counselor licensure would enable these agencies to offer the preventive developmental services best provided by professional counselors. Since many state personnel classification systems do not currently list or describe counselors, state-funded agencies will benefit from increased flexibility in staffing if counseling as a profession is legally defined by a licensure statute.

Regulation of the title "licensed professional counselor" will enable the public to identify private practitioners with a greater assurance of competent services. Instances of incompetent or unethical practice will be dealt with through established procedures, with resort to court action no longer being a consumer's only recourse.

QUESTION: Could counselor licensure be harmful to the public?

ANSWER: Occupational regulation through statutory licensure has not always been beneficial to the public. Such abuses as restraint of trade, price fixing, lax renewal requirements, guild interest protection, and "ostrich" ethical behavior have been decried by legislators and consumers alike. The counselor licensure bill is written with an eye toward the prevention of such abuses.

The bill provides for public membership on the proposed licensing board. The counseling profession's Code of Ethics was written to be enforced, not to gather dust. The bill provides for stringent continuing education and license renewal requirements. The professional disclosure provision was discussed earlier.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB 571 DATE 2/15/85

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Dwight Leonard	Helena mt	X	
Karen M Tamberg	Helena MT	X	
Leslen M Tamberg	Helena MT	X	
Kate Green	Helena MT		X
Bill Palmer	DNRC Helena		
Judi Burkhart Stamper	Helena MT		✓
Ted Dick	Helena	X	
Wendell Fox	Bozeman	X	
Tom Dorgan	Helena	X	
Barbara Molineux	"		X
Laurie Council	Missoula	X	
Lucia Allen	Billings	X	
Kathleen S Campbell	Billings	X	
Jan Uhlarik	Gt. Falls	X	
Virgil Smith	Gt. Falls	X	
Richard Horswill	Bozeman	X	
Jeff Jones	Bozeman	X	
James Lowney	Missoula	X	
Eileen F Morgan	Helena		X
Joan Rebich	Helena	X	
Shirley Thennis	Helena MNA	X	
Pat Gaston	Helena	X	
Gail Kline Land (WLF)	Great Falls	571	
Ray McGrath (MHA)	Helena	X	oppose ins&c
Steve Brown	Helena		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

tative Montayne was then excused by the Chair.

There being no further discussion on House Bill No. 856, the hearing was closed.

HOUSE BILL NO. 872: Hearing commenced on House Bill No. 872. Representative Keenan, District #66, sponsor of the bill said that an act to require the Department of Institutions to limit the patient population at the Montana State Hospital in Warm Springs to the number of patients provided for in the appropriation for that fiscal year; allowing the Department to restrict voluntary admissions; prescribing requirements for the preparation and consideration of the Department's budget request.

Proponent Kelly Morse of the Montana Board of Visitors indicated her support of this legislation. Curt Chisholm, representing the Montana Department of Institutions said that there is no way to determine the population of the hospital.

There were no further proponents and opponents present. Representative Keenan stated in her closing that something needed to be done on this situation at the hospital.

Representative Waldron asked how the population of the hospital could be determined in 1986. Representative Gould questioned the voluntary commitment process.

There being no further discussion on House Bill No. 872, Vice-Chairman Gould closed the hearing.

EXECUTIVE SESSION

ACTION ON HOUSE BILL NO. 798: Representative Darko made a motion which was seconded by Representative Campbell to do pass House Bill No. 798. Representative Waldron made a motion on the passage of the amendments which was seconded by Representative Darko. A motion was then made by Representative Darko which was seconded by Representative Waldron to DO PASS AS AMENDED WITH STATEMENT OF INTENT on House Bill No. 798. A vote was taken with Representatives Wallin, Gilbert Simon, Bradley, Phillips, Hayne and Campbell voting no.

ACTION ON HOUSE BILL NO. 571: A motion was made by Representative Darko, seconded by Representative Waldron to do pass House Bill No. 571. Representative Waldron made

a motion which was seconded by Representative Darko to do pass on the amendments and statement of intent. A vote was then taken and was passed. A motion was then made by Representative Bergene which was seconded by Representative Representative Darko to DO PASS AS AMENDED WITH STATEMENT OF INTENT. A vote was taken with all voting yes with the exception of Representative Phillips voting no.

ACTION ON HOUSE BILL NO. 821: A motion was made by Representative Simon to do pass on House Bill No. 821. A substitute motion was then entered by Representative Simon and seconded by Representative Waldron to TABLE this bill. A vote was then taken and unanimously passed to table House Bill No. 821.

ACTION ON HOUSE BILL NO. 472: A motion was made by Representative Darko and seconded by Representative Wallin to do pass House Bill No. 472. A motion was then made by Representative Darko and again seconded by Representative Wallin to DO PASS. A vote was taken and passed unanimously.

ACTION ON HOUSE BILL NO. 854: A motion was made by Representative Darko to table House Bill No. 854. This motion was seconded by Representative Bergene. A vote was then taken with all voting yes with the exception of Representatives Wallin, Gilbert and Gould. House Bill No. 854 is TABLED.

ACTION ON HOUSE BILL NO. 856: A motion was made by Representative Simon which was seconded by Representative Waldron to table House Bill No. 856. A vote was then taken with all voting in favor of tabeling. House Bill No. 856 was then TABLED.

ACTION ON HOUSE BILL NO. 903: A motion was made by Representative Darko and seconded by Representative Waldron to do pass House Bill No. 903. A substitute motion was then made by Representative Connolly which was seconded by Representative Simon to table this bill. A vote was taken and all members of the Committee voted yes with the exception of Representative Wallin who voted no to TABLE House Bill No. 903.

ACTION ON HOUSE BILL NO. 881: A motion was made by Representative Darko and seconded by Representative Gould to table House Bill No. 881. Questions were raised by Representatives Gilbert, Gould, Bradley, Cohen, Hansen, Campbell and Bradley. A vote was then taken, all members of Committee voted yes with the exception of Representatives Keenan, Bergene, and no vote from Representative Bradley. House Bill No.

STANDING COMMITTEE REPORT

February 22 19 85

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration House Bill No. 571

first reading copy (white color)

Mandatory licensing and regulation of professional counselors

Respectfully report as follows: That House Bill No. 571

DO PASS

Chairman.

STATE PUB. CO.
Helena, Mont.

Amendments to HB 571 ..... February 22 ..... 19 85

1. Title, line 8.
Following: ", AND"
Strike: "ALLOWING"
Insert: "REQUIRING AN INSURER OR HEALTH SERVICE CORPORATION TO OFFER THE OPTION OF ADDITIONAL"

2. Title, line 10.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 8, lines 17 and 18.
Strike: "equal" on line 17 through "application" on line 18
Insert: "commensurate with costs"

4. Page 8, lines 21 and 22.
Strike: "equal" on line 21 through "examination" on line 22
Insert: "commensurate with costs"

5. Page 8, lines 24 and 25.
Strike: "equal" on line 24 through "license" on line 25
Insert: "commensurate with costs"

6. Page 13, line 18.
Following: "37-8-202,"
Strike: ", or professional counselor"

7. Page 13, line 23.
Following: "pharmacist."
Insert: "An insurer shall offer, at additional cost to the insured, the option of disability and health insurance coverage for services performed by a licensed professional counselor."

8. Page 14, line 20.
Following: "worker"
Strike: ", professional counselor,"

9. Page 15, line 3.
Following: line 2
Insert: "NEW SECTION. Section 17. Optional coverage for services provided by professional counselors. A health service corporation shall provide in its membership contract, at an additional cost to a member, optional coverage for services performed by a licensed professional counselor."
Renumber: subsequent sections

10. Page 15.
Following: line 19
Insert: "NEW SECTION. Section 21. Effective date. This act is effective July 1, 1985."

AND AS AMENDED,
DO PASS
STATEMENT OF INTENT ATTACHED

REP. KEENAN ..... Chairman.

STATE PUB. CO.
Helena, Mont.

February 22 19 85

43th Legislature LC 784

STATEMENT OF INTENT

HOUSE BILL NO. 571

Section 4 requires the board of professional counselors to adopt rules setting professional and ethical standards and continuing education requirements for professional licensed counselors and to adopt such other rules as are necessary for the regulation of this profession. In addition, section 4 permits the board to adopt rules governing the issuance of certificates in particular areas of practice as a licensed professional counselor. The legislature perceives a need to regulate persons holding themselves out as professional counselors. Consumers of professional counseling services are entitled to adequate regulation of those services in the public interest. It is contemplated that the board may promulgate rules that:

(1) protect the public from abuse of the trust placed in professional counselors;

(2) regulate the day-to-day practices of licensed professional counselors;

Chairman.

STATE PUB. CO.
Helena, Mont.

(3) ensure a professional attitude and professional work in a professional atmosphere;

(4) regulate fees charged for services;

(5) regulate testing devices and methods used by licensed professional counselors;

(6) regulate counseling techniques;

(7) determine the type, amount, and quality of continuing education of licensed professional counselors;

(8) determine the areas of specialization in which a professional counselor could be certified and define the requirements that must be met for certification in these areas; and

(9) are otherwise necessary to the regulation of the profession.

STATE PUB. CO.
Helena, Mont.

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 20, 1985

The forty-second meeting of the Business & Industry Committee met on March 20, 1985 in Room 410 of the Capitol Building. The meeting was called to order by Chairman Mike Halligan.

ROLL CALL: The committee members were all present except for Senator Neuman who was excused.

CONSIDERATION OF HOUSE BILL 571: Representative Toni Bergene, House District #41, Great Falls is the chief sponsor of House Bill 571 which asks the legislature to grant licensing and the regulation of professional counselors. She explained that professional counselors are specialists in the mental health field. They counsel on each person's strengths and potential and this then allows for human growth and development.

PROPONENTS: Ted Doney, representing the Montana Mental Health Counselors Association, presented a fact sheet concerning professional counselors with questions and answers concerning counseling, testimony by Rowan Conrad, Director of Counselor Training Programs at the U. of M. and several letters of support for the legislation. (EXHIBIT 1) He also stated he had worked on an amendment with Mary McCue, Staff Attorney for Legislative Council which would combine the counselors with the board of social work examiners. He said they would prefer their own board but if it was the committee's desire to combine the two boards they would have no objection. He also noted that the legislative audit committee is going to look into combining under one umbrella board the pyscologists, social workers and counselors during the interim after session. (EXHIBIT 2)

Kathleen Campbell, from Billings and President of the Counselors Association, and also Chairperson of the Legislative Licensing Committee, explained she had traveled to other states to confer on the needs of Montana and that this measure was tailored after the one developed in Idaho. She then referred the committee to a study done on mental health care that revealed that 23% of the population would utilize mental health services at some point in their lifetime and out of this only 2.3% would need the care of a psychologist. (EXHIBIT 3)

Rowan Conrad, Director of Counselor Training Programs at the University of Montana, talked about the qualifications for counselors. He noted that formal research has proven that effectiveness is not related to the type of training received. It was difficult to establish a level of training but he felt that a balance had been achieved. The bill would provide that a licensed person would have to have a masters degree plus 30 credits earned in a planned program of study. They have set the criteria for a

training level similar to a doctorate but minus the research core. He explained there are two national "norm" examinations and they would hope to designate one of these as the validating examination in order to be licensed. In the criteria it would be stated that one must have 9 credits in their curriculum in advanced counseling practicum. You must also have 90 credits,and pass a national validated exam in order to be licensed. This could be obtained at the U of M, Montana State and at Eastern College in Montana.

Lucia Glenn, in private practice in Billings, stated she felt their requirements were very high. Up until December of 1987 the requirements would be a bit less for those who had had a degree for several years and had been in private practice for several years. She explained she had taken the national exam and it is a very difficult test and felt that those who pass this examination have to have a great deal of knowledge in their field. She stated the initial P.F. in the yellow pages behind the counselors listing would indicate those who have had the extra education and qualifications. She feels by licensing these individuals it will eventually keep the costs to the consumer at a lower level. (EXHIBIT 4)

Dwight Leonard, representing the Helena Comprehensive Guidance Clinic in Helena, feels this is a good bill because it does identify licensed professional counselors and at the same time it is not an exclusionary bill because it does not prevent people from practicing if they are not licensed. It would provide a goal and more recognition for those in their profession. He felt the appraisal area for school counselors is one area that should also be included in the bill. (EXHIBIT 5)

Hazel Smith, from Great Falls and a counselor for many years spoke on behalf of the legislation proposed. She felt by licensing they would have more opportunity for third party reimbursement. She explained the agency she represents, Lutheran Social Services, will turn no one away because of inability to pay. She feels this bill will allow for good mental health care for the people of Montana. She also noted in the eleven states who have adopted licensure there has been no increase in insurance costs. She felt since they provide 60% of the mental health care they deserve the professional recognition and third party pay. (EXHIBIT 6)

Richard Horswell, coordinator of the counselor services training program in Bozeman, stated that not all the clinical pyschologists in the state oppose this bill and then quoted excerpts from letters he had received in support.

Joan Rebish, Director of Social Services at the Deaconess Home in Helena, stressed the need for children who leave the home to be able to still have counseling available when they go back to their own homes. They also need the assurance that the person they seek help from is qualified. (EXHIBIT 7)

Tom Drooger, representing the Montana Residential Child Care Association, also expressed support for the legislation.

OPPONENTS: Bailey Molineux, representing the Montana Psychological Association, opposes this legislation and wondered if all master's degree counselors are trained to provide mental health services. He stated he would support the bill if it were amended to require a doctorate and two years of supervised experience for licensing which is the same as a psychologist.

Judith Burkhartsmeyer, a school psychologist in Helena, with ten years of experience, stated it was a difficult decision to not support this bill. The way the bill is written is just not in the best interests of the consumer. She stated they would like to have the programs accredited by the council or else follow a minimum core of coursework. She thought a national examination should be mandated and that the board should adopt a code of ethics. (EXHIBIT 8) She felt the psychologists had a lot at stake with this measure and would not support it without some amendments.

Questions were then called for. Senator Fuller asked Bailey Molineux what percentage of his clients are involved in serious mental problems. He felt that 50% of his clients were seriously troubled. Rowan Conrad felt they had a percentage of perhaps 10% in his practice. He felt though that the key should be whether or not they are able to perform not the education involved.

Senator Christiaens asked who was currently certified. He was told there are two national certificates available. These do not have the weight that licensure would have however. When Rowan Conrad was asked if they are paid through insurance plans now he stated it was very random, some pay and some do not.

Senator Fuller asked what the annual fee would be and was told about $100 per year per license. Ted Doney noted they had recommended changing the licensure from 3 years to annually on his amendments.

Senator Christiaens then asked Ted Doney about mandating insurance coverage and was told it was amended in the House to make it at the option of the insurance provider.

Senator Goodover asked Lucia Glenn why the requirements were less up till October 1987 and if this was a type of grandfathering. She explained this was because of those who have had a great deal of experience in the field and that it was for those who obtained a masters several years ago and have had the experience to compensate for more education. Rowan Conrad noted they are requiring everyone to take the test and have a minimum of a master's degree however.

Senator Boylan noted he had had several phone calls against this bill. These people were concerned about the varying degrees of education and expertise and was concerned if people with serious mental problems were being referred on. Those present stated that referrals are a very important part of their practice to be able to note when an individual needs additional counseling.

Senator Weeding asked Judith Burkhartsmeyer where one could get the training required for licensure. She stated there are programs available at both the universities that would be sufficient.

Senator Gage wondered how much this type of coverage would cost on an insurance program and was told probably an additicnal $10 on a premium.

Bailey Molineux noted an important factor is being able to note when referrals need to be made. Lucia Glenn noted they do stress referrals when necessary.

Senator Gage wondered if private companies were now hiring counselors as a service to their employees and was told that they are. Mountain Bell's counselor, Les Tanburg, stated that it is a growing trend especially to deal with the chemical aspect in our society today.

Senator Williams asked if the cost of the additional training would affect the cost of counseling services. Kathleen Campbell noted in a study they did in Billings that the average cost for a psychologist is $92 per hour, a clinical psychologist is $73 and the average cost per hour for a counselor is $48.

Representative Bergene was asked if any of the amendments talked about today had been proposed in the House and she stated that they felt it would be better for the board to make many of these regulations themselves. She did not agree with listing the courses that should be taken but would be agreeable to go along with the code of ethics.

Senator Goodover noted you did not have to be licensed in order to practice and Richard Horswell stated this was true. He would like to see a registry of licensed individuals set up but realized there would have to be more public education before this was done. There are presently 22 other states who license counselors.

Representative Bergene distributed an amendment requesting an expiration date. (EXHIBIT 9) She noted that amendments had been prepared to put a masters level social workers and special counselors under one board. They would like to see marriage counselors also in the bill. She then closed the hearing on House Bill 571.

DISPOSITION OF HOUSE BILL 707: Senator Gage stated he had talked with the attorney Geoffrey Brazier about the concerns

DATE MARCH 20, 1993

COMMITTEE ON BUSINESS & INDUSTRY

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Judith Gebhardt	MT Assn Social Wk	HB571		✓
Jean Rehbein	Deaconess Home	HB571	✓	
Kathleen Campbell	MT. Assn Coun + Dev	HB571	✓	
Steve Lonnett	Luth. Social Service of MT, MT Assn Counties, Assn MR Cts	HB571	✓	
Richard Aspevig	Regent - MSU Commissioner of Higher Ed	HB571	✓	
Beatrice Brauner	Boarding Mt	HB571	✓	
Doran Conrad	UM Missoula	HB571	✓	
David L Leonard	Helena Competitive Youth Choir	HB571	✓	
Kathy Tanberg	self	HB571	✓	
Les Tanberg	EH	HB571	✓	
Tom Dreyer	Mont Residential Child Care	571	✓	
Bradley J Newman	MT Psychiatric Assn			✓

(Please leave prepared statement with Secretary)

EXHIBIT 1
BUSINESS & INDUSTRY
March 20, 1985

HOUSE BILL 571

LICENSURE OF PROFESSIONAL COUNSELORS

FACT SHEET

HB 571 provides for the licensing and regulation of professional counselors, also known as mental health counselors.

Following are the main features of the bill:

1. Prohibition that no person may represent himself to be a "licensed professional counselor", "licensed counselor", "professional counselor", or "LPC" unless he is licensed as provided in the bill. THE BILL DOES NOT PROHIBIT ANYONE FROM ENGAGING IN PROFESSIONAL COUNSELING UNLESS HE IS LICENSED; IT ONLY REQUIRES THAT ONE MUST BE LICENSED TO HOLD HIMSELF OUT AS A LICENSED PROFESSIONAL COUNSELOR. (Section 5)

2. Specific exemptions for psychologists, pastoral counselors, school counselors and many others so long as they do not hold themselves out as "licensed professional counselors." (Section 5)

3. Establishment of a Board of Professional Counselors in the Department of Commerce to administer examinations, issue licenses, and regulate the profession. (Sections 1 and 2)

4. Educational and experience requirements in order to obtain a license. These requirements will be more stringent after October 1, 1987. (Section 6)

5. NO GRANDFATHERING, except that the requirements to obtain a license are slightly less strict up to October 1, 1987. (Section 6)

6. Requirement that information obtained by a licensed counselor be confidential, with certain enumerated exceptions. (Section 13)

7. Provision for health insurance coverage AT THE OPTION OF THE CONSUMER for professional counseling. (Sections 15 and 16)

Some Facts:

1. Nationally, some 60% of the people who receive mental health counseling services receive it from professional counselors as would be licensed under this bill, rather than from psychiatrists or psychologists.

2. There are 42,000 counselors who are members of the American Association of Counseling and Development.

3. There are over 300 counselors who are members of the Montana Association of Counseling and Development.

4. Up to 200 people will probably be licensed under this bill.

5. 10 other states have similar licensing laws, and 28 additional states are considering such legislation.

6. Apart from the research core required in doctoral programs, the credits required by this legislation are as extensive as those required to license a pshychologist.

7. Legislation is now pending in Congress to provide for Medicare and Medicaid coverage for <u>licensed</u> Professional Counselors.

<u>Reasons For The Bill:</u>

1. Ensure that the consumer will be able to make intelligent choices in the selection of qualified and competent professional counselors.

2. Provide less costly mental health counseling through health insurance coverage. (Professional counselors typically charge less than psychiatrists or psychologists.)

3. Upgade the profession by ensuring qualifications and ethical standards.

4. Provide freedom of choice to the consumer in selecting mental health counseling alternatives. (Now health insurance coverage is available only for psychiatrists and psychologists.)

Prepared by Montana Association of Counseling and Development and the Montana Mental Health Counselors Association

Licensure will not restrict the supply of professional counselors, as has often been the case with other occupational groups. Standards for counselor licensure are competency-based and are not intended to be exclusionary on the basis of professional affiliation or restricted specialization. If anything, the number of professional counselors should increase due to the broadened options that legal recognition would provide. The resulting enhancement of the preventive component of mental health services should have the effect of reducing overall costs rather than escalating them.

QUESTION: How will counselor licensure be administered?

ANSWER: The counselor licensure bill provides for the establishment of a Board of Examiners in Professional Counseling to be appointed by the Governor. The Board will be composed of professional counselors representing various work settings, specializations, and levels of training, and lay persons representing the public at large. The Board would be empowered to implement the standards set by law, review individual applicant qualifications, establish examining procedures, issue licenses, conduct investigations, and discipline incompetent or unethical practitioners. Actions of the Board would be subject to legislative audit and oversight by the executive branch. Administrative costs would be borne entirely by licensure application, examination, and renewal fees.

QUESTION: Who is sponsoring the effort to license professional counselors?

ANSWER: This legislative effort was initiated by the state professional counselors organization, which is a branch of the American Association for Counseling and Development. The national organization consists of over 12,000 members in school, college, mental health, correctional, rehabilitation, job service, vocational, community agency, family service, and private practice settings. Counselor licensure laws have been passed by seven states since 1976. The bill has also been endorsed by lay and professional organizations interested in mental health and education.

QUESTION: How will these sponsoring groups benefit from the passage of a counselor

ANSWER: This bill will protect the constitutional right of professional counselors to practice their profession. The scope of practice clause is designed to be descriptive rather than exclusionary. Its purpose is to define what professional counseling *is* and what professional counselors *do*, not necessarily to prevent members of other professions from engaging in the services listed. Licensed clinical psychologists, for example, could provide career development services as long as such activity did not violate rules of the psychology licensing board and as long as they did not represent themselves as licensed professional counselors. It should be noted that a diametrically opposite position by the state psychology board is another reason why professional counselors began to seek legal recognition through statutory licensure.

Lay and allied professional organizations have a variety of reasons for supporting this bill. Most of these reasons spring from a commitment to preventive mental health services and the belief that professional counselors are best suited by training, experience, and philosophical orientation to provide these services.

The state professional counselors organization, while acknowledging that the bill will benefit the profession, firmly believes that its primary effects and benefits lie in the areas of consumer protection and assurance of quality mental health services. The people of this state deserve nothing less.

* * * * * * * * * *

The preceding questions are frequently asked by state legislators when they are considering licensure bills. The answers provided are intended as suggested responses for counselors serving as lay lobbyists and members of a government relations network.

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For further information, contact:

American Association for Counseling and Development
5999 Stevenson Avenue
Alexandria, Virginia 22304

This brochure was prepared by the AACD

COUNSELOR LICENSURE:

ANSWERS TO LEGISLATORS' QUESTIONS

QUESTION: What is the problem?

ANSWER: Professional counseling is a unique specialty within the broad field of mental health services that focuses on the strengths and potentials of individuals. Professional counselors are committed to facilitating human growth and development through individual and group counseling, educational procedures, consultation, and research.

The title "counselor" enjoys a general acceptance by the public at large. It is not surprising that this title has been appropriated by a variety of sales personnel, by massage parlor operators, by abortion clinics, and even by palm readers, as a means of gaining credibility and minimizing public resistance. This kind of occupational smokescreen has led to confusion in the public mind as to the identity and function of professional counselors with graduate degrees and extensive training in the field. Much more serious, however, is the growing incidence of untrained, unscrupulous persons offering "counseling services" of an exotic nature, often for outlandish fees.

QUESTION: Why should professional counselors by licensed?

ANSWER: Since professional counseling has no legal definition in this state, literally anyone may claim the title "counselor." There is no machinery for identifying qualified practitioners, for enforcing professional standards, or for holding practitioners accountable for their actions. The Yellow Pages are an excellent means of identifying a plumber, but they provide little guidance for the consumer in selecting a counselor.

Licensure would protect the public's right to be served by qualified counselors and ensure freedom of choice in opting for counseling services in preference to mental health services of other orientations. Licensure would provide the machinery for enforcing professional standards. The use of the title "professional counselor" would be restricted to practitioners with the demonstrated skills prescribed by these standards. The counseling profession's Code of Ethics would be enforceable. The public's access to counseling services would be enhanced, as would assurance of competent practice.

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QUESTION: What efforts have already been made to address these problems?

ANSWER: The National Board for Certified Counselors (NBCC), founded in 1982, has already certified nearly 8,000 professional counselors. This certification process includes comparison of applicants' graduate transcripts with professional training standards, supervisor and colleague recommendations, and satisfactory performance on a standardized national examination. Applicants meeting criteria are designated as National Certified Counselors. This certification will enable consumers, employing agencies, and others to identify those practitioners who have demonstrated a high level of professional competence. The Commission on Rehabilitation Counselor Certification and the National Academy of Certified Clinical Mental Health Counselors have initiated national certification procedures for rehabilitation counseling and mental health counseling, respectively, following federal guidelines for credentialing health services providers.

Since 1976 seven states (Alabama, Arkansas, Florida, Idaho, North Carolina, Texas, and Virginia) have provided a legal remedy by passing counselor licensure legislation. In the remaining states regulation of the practice of professional counseling currently does not exist.

QUESTION: Have alternatives to licensure legislation been considered?

ANSWER: National certification procedures are mentioned above. In the past, some counselors trained at the doctoral level have been licensed by state boards regulating the practice of applied psychology. Most psychology boards are now withholding their endorsement from all applicants except those who are Ph.D. graduates of university psychology departments. Most counseling graduates at both the master's and doctoral levels receive their training in schools of education and are thus excluded from even taking the psychology licensing examination.

Proposed legislation that would provide title certification has been discussed in some states. This move would afford some consumer protection, but real regulation in the sense of enforcing professional standards would not be addressed.

Professional disclosu y which the practi- pro the wit info on

related to professional training and qualifications prior to rendering services, has been advocated as a necessary ethical consideration. Most professional counselors in the private sector follow this practice on a voluntary basis. Licensure legislation would make professional disclosure a key component of the regulatory process.

QUESTION: How will the public benefit from professional counselors being licensed?

ANSWER: The public will enjoy increased access to counseling services. Community agencies are sometimes prevented by funding guidelines from hiring unlicensed mental health providers for professional level positions. Counselor licensure would enable these agencies to offer the preventive developmental services best provided by professional counselors. Since many state personnel classification systems do not currently list or describe counselors, state-funded agencies will benefit from increased flexibility in staffing if counseling as a profession is legally defined by a licensure statute.

Regulation of the title "licensed professional counselor" will enable the public to identify private practitioners with a greater assurance of competent services. Instances of incompetent or unethical practice will be dealt with through established procedures, with resort to court action no longer being a consumer's only recourse.

QUESTION: Could counselor licensure be harmful to the public?

ANSWER: Occupational regulation through statutory licensure has not always been beneficial to the public. Such abuses as restraint of trade, price fixing, lax renewal requirements, guild interest protection, and "ostrich" ethical behavior have been decried by legislators and consumers alike. The counselor licensure bill is written with an eye toward the prevention of such abuses.

The bill provides for public membership on the proposed licensing board. The counseling profession's Code of Ethics was written to be enforced, not to gather dust. The bill provides for stringent continuing education and license renewal requirements. The professional disclosure provision was discus earlier.

SENATE TESTIMONY FOR HOUSE BILL 571 ON COUNSELOR LICENSURE

My name is Rowan Conrad. I am Director for Counselor Training Programs at the University of Montana. I am not exclusively an "egghead" from Ivory Tower Land. I spend ten years "in the field" before coming to UM full time three years ago. I have been director of a private mental health program, a large public family counseling program and a drug and alcohol outpatient program. In these positions I have supervised the full range of mental health professionals (psychologists, social workers, and counselors) with all levels and types of training. I am as well versed in credentialing; having authored the certification program for drug and alcohol counselors currently in use by the Department of Institutions Drug and Alcohol Division.

A couple of years ago I was invited by a group developing a counselor licensure legislation to work with them. I have been working with them formally or informally since.

I have been impressed with the quality and sincerity of my colleagues working on this legislation. They have been thorough in their research into other counselor licensure bills in force, sincere in seeking wide and diverse input from others, and generally responsible in their approach to the issue. They have modeled the current legislation on national guidelines and the experience of others; primarily the licensure bill currently in force in Idaho. They have communicated widely with Montanans and made adaptations to meet local concerns. They have held several open meetings on the bill with widely broadcast invitations; including a State-wide hearing in Bozeman last year attended by over thirty persons from across the State. At that meeting, a wide range of concerns was heard and persons in attendance were allowed to vote on all items of disagreement. The current bill has been faithful to the input and votes at that meeting. I can verify this as I attended the meeting, presented my own concerns, and a list of concerns on behalf of the clinical psychology faculty at UM. My major input was incorporated as were the majority of suggestions sent by UM's clinical faculty.

I am sure the current bill does not fully please everyone. I am convinced that it is the best legislation in this arena that we can develop giving fullest consideration to the range of needs and interests that impinge on this issue. It has several key features that I believe make it both comprehensive and credible.

1. The permanent licensure requirement is at the 90 credit level or the "masters degree + thirty credit" level. This satisfies neither those who believe licensure should be available to any masters degree holder nor those who believe licensure should be limited to the doctorate. This level of qualification meets the basic need of both camps as it does not require the doctorate, but it requires as extensive a preparation as a Ph.D. if you do not count the research requirements for that degree. (Counselors, and a segment of psychologists, do not believe the extensive research training is relevant for applied--as opposed to academic--professionals.) It is a compromise that I believe does not detract quality.

2. The bill is generic in that it licenses counselors as a group instead of further subdividing an overall profession that is sufficiently fractured. (e.g. Note the legislature will be licensing three different mental health professions already.) A strength of counselors versus other mental health practitioners is that counselors are generalists and very diverse in their emphasis skills and interests. Some think this is a problem. I see it as a major strength. At this time I see no need or advantage to complicate the picture with counselor specialty legislation. I believe this decision is best left to the board as it is in this legislation.

3. Counseling diversity means a diversity of preparation experiences. Again, I believe this is a strength in our overspecialized society. In order to assure the quality of preparation safeguards have been installed.

a. The bill requires more than the masters degree

b. A planned program of study and an advanced degree are required rather than a random selection or courses that someone picked up over time. This means that persons not trained in a set program must have their preparation organized and attested by a qualified responsible faculty member.

c. It requires successful completion of nine credits in an advanced practicum. Students who do not possess a basic competency should not be able to survive such extensive practicum requirements.

d. It will require passing a nationally normed examination for counselors plus whatever other processes the Board deems appropriate for our State. Nobody is excused from examination; including those licensed during the grace period.

Thus rather than an extensive list of nationally dictated requirements, a set of key catchpoints insures quality while allowing Montana faculty to target training and the Board to grant licenses based largely on Montana needs. This will be the only license in the mental health field that grants such flexibility--other licenses are tied tightly to national curricular guidelines. This bill is based on national guidelines (90 credits, 9 credits of advanced practicum, etc.) but allows some flexibility for meeting our local needs and conditions.

4. This bill allows for training in Montana at more than one Montana institution. Currently licensed social workers are either imported or else Montanans are exported for training. Currently only UM trains clinical psychologists for licensure. This allows us to "grow" a diversity of mental health professionals at home to meet our own needs.

Frankly, the only persons that I have found to be opposed to the bill are:

A. Persons who fear the competition will drive down prices for mental health services in the market place (and they are correct, it will--private counselors fees are usually about half what psychologists, for example, charge);

B. Insurance companies who fear that insurance costs will rise (and they are incorrect for the same reason--counselor's services cost less); and

C. Persons who have seen past abuse of licenses by professionals to try to gain a monopoly privilege and exclude others for economic reasons dressed up in "protect the public" professional clothes. Representative Stella Jean Hansen indicated that concern in a letter to me. It is one I share, and a kind of discrimination that has been applied to me, and to many counselors in the past by the ways psychologists have tried to implement their law. This is not the intent of the current legislation or of anyone involved in its development to the best of my knowledge. Many of us have suffered from the way the Board of Psychologists have, at times, attempted to implement their bill. We would not inflict that on others. We here correct an (unintentional I'm sure) discrimination that now exists in legislation when psychologists and social workers are licensed, but the profession that nationally provides most of the services, counselors, is not.

But probably your best guarantee against this is in the nature of the counseling profession itself. It is diverse. It respects the vastness of the domain of knowledge in the "helping fields" generally. It is non-exclusivist and non-elitist by nature. It believes the in the powers and capacities of individual clients as the key to progress on concerns. Counselors do not want to stop anyone from doing anything. They simply want the legal status to go with their professional status for those that have special professional training and can demonstrate absorption of that training by examination. The current legislation is inclusive and descriptive. It is not exclusionary or elitist.

I have been asked if this is merely a ploy to add faculty and programs to the University system. It is not. Programs are already in place. Any current resource requests are apart from this legislation. It seems to me that the current legislation is good in that it does not cost the taxpayers, and it should save money for consumers by generating more available lower cost mental health services. If find it professionally sound. I urge your support.

Thank you.

Carol Nelson
3105 Arvin Road
Billings, MT 59102

February 8, 1985

Dear Legislator:

I am writing to encourage your support of HB 571. As a client of Kathleen Campbell, I can assure you of the great service she, and people like her, provide.

I strongly urge the passage of this piece of legislation. I shall be watching the record to see how each legislator and committee person votes on HB571.

Sincerely,

Carol Nelson

Carol Nelson

CN/cc

February 11, 1985

Representative Nancy Keenan, Chairperson
House Human Services Committee, and Committee Members
Capitol Station
Helena, Montana 59820

Dear Ms. Keenan:

I am writing to present the position of the Rehabilitation Association of Montana (R.A.M.) on House Bill 571 for licensing of counselors.

Our organization represents a variety of professionals including counselors involved in the provision of services to people with handicapping conditions. We feel that individuals designated as counselors need to be qualified and accountable. The public in general, but our clientele in particular, have a right to some assurance that individuals who identify themselves as counselors are trained and have demonstrated compentencies in that specific field. Therefore, we are solidly in favor of HB571.

In summary, we believe that this bill represents a major step toward insuring that individuals seeking counseling will be guaranteed greater likelihood of receiving high quality and effective services.

Sincerely,

Susan E. Brownlow

Susan E. Brownlow, CRC
President
Rehabilitation Association of Montana
P. O. Box 8415
Missoula, Montana 59806

SEB:cb 2/11/85

bcc: Kathleen Q. Campbell, MA, NCC
Licensure Chair MMHCA and MACA
Transwestern II, Suite 101
Billings, Montana 59101

Terry Blackwell
2300 12th Avenue South, Suite 99
Great Falls, Montana 59405

February 11, 1985

Nancy Keenan, Chairman
& All Members Human Resources Committee
Capitol Station
Helena, MT 59620

Dear Ms. Keenan:

I think HB 571 addresses very private areas of a person's life, and as such suffers from a lot of subjective opinions rather than objective appraisal.

I credit the availability of professional counseling for my mental health and therefore strongly favor this particular resource as a viable alternative to psychiatry. Again, since I am a product of and a proponent of professional counseling, my opinions may be couched in subjective terms. Therefore, I will attempt an argument for HB 571 on objective standards.

1. The service rendered should be commensurate with the need.

2. In the last few years the medical community has moved toward preventative rather than remedial treatment.

3. The cost of preventative medicine is much less than remedial treatments.

4. Some controls have to be in place to protect the public and require certain minimum standards for indivdiuals in the counseling profession.

   a) One does not need to see a brain surgeon for a headache. There are many areas of daily life which bring stress, doubt, pain or confusion. Some of these may be change of profession, a move by a mother from the home into a career, children with chemical dependencies, single head of household or just simple stress management. These areas of aggravation are shared by most people at one time or another and one certainly doesn't need to see a psychiatrist for advice. Professional licensed counselors operate in these areas on a daily basis and with good results.

b) These areas of aggravation, as mentioned above, can lead to serious mental health problems if not recognized and treated early. This is an area of prevention of serious mental disorders that is best handled by licensed professional counselors. It is the preventative measures which keep people gainfully employed and reduce treatment time, which in turn increases one's production and well being.

c) If preventative measures are not taken, serious illness can lead to years of psychiatric treatment, with the possibility of family disruption, job loss and staggering medical bills.

d) It is understood that anyone who completes Psyche 101 should not be allowed to hang out a counseling shingle and inflict themselves on the public. Good, verifiable standards can be established through licensing that will safeguard the public.

I think HB 571 will provide the people of this state an excellent, affordable preventative medical resource available to people who do not need the services of a psychiatrist. I would urge this committee to approve this licensing bill.

Respectfully submitted,

Terence J. Keating

February 7, 1985

Ms. Nancy Keenan, Chairperson
House Human Services Committee
Capitol Station
Helena, MT 59620

Dear Ms. Keenan and Committee Members:

This letter represents strong support for HB 571 - Professional Counselor Licensure. As counselor-educators in an institution of higher education, we feel that this legislation will greatly enhance the quality of counseling services being provided to Montana residents. Since a significant proportion of therapeutic intervention is done by counselors, we feel that both the profession and clientele deserve assurances that standards of practice are in place and regulated.

The logical step following the professional preparation of counselors is the establishment of a mechanism that assures continuity of professionalism in the field. We believe that state licensure of counselors will enhance the professionalism that is essential to the field of counseling.

Sincerely,

C. Rockne Copple, Ed.D.
Counselor Educator

Dan L. Petersen, Ph.D.
Counselor Educator

William E. Martin Jr., Ed.D.
Counselor Educator

John M. Self, Ed.D.
Counselor Educator

Elia G. Nickoloff, Ed.D.
Counselor Educator

Ronald P. Sexton, Ph.D.
Counselor Educator

AMHCA

AMERICAN MENTAL HEALTH COUNSELORS ASSOCIATION
1405 Northgate Drive
Opelika, Alabama 36801
1-800-354-2008

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Horace Mann School
231 West 246th Street
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(212) 548-4000, Ext. 270

January 7, 1985

Dear Montana Legislators:

On behalf of the American Mental Health Counselors Association and the hundreds of members of the Montana Counselors Association (ACA), a division of the American Association for Counseling and Development which has over 42,000 + members nationally, I am writing to request your support of their efforts to procure licensure in the state of Montana for professional counselors. Members of the Montana Counselors Association have, over the last several years, worked very diligently to inform and convince you, their elected leaders, that it is essential to both the welfare of the consumer and for the protection of the profession that a licensure law be enacted that would regulate professional behavioral health care providers. The recognition of licensed professional counselors by state governments has been a slow but steadily encouraging process. At the present time, there are ten states that license or certify professional counselors. They are Texas, Tennessee, Alabama, Arkansas, Virginia, Florida, Idaho, Georgia, North Carolina, and Ohio. In addition to these states which have already passed counselor licensure, there are bills pending in 28 other states. As has been the case with other mental health professionals, obtaining state licensure is a state-by-state process. The fact that professional counselors are not recognized legislatively throughout all 50 states speaks more to the issue of politics than it does to the issue of professional competency.

Professional counselors in Montana are currently providing direct client services in a variety of settings including community mental health centers, private practice, hospice, and other state agencies. Professional counselors also work in many underserved communities and are often the only providers of individual and group counseling for persons needing intervention and preventitive mental health care. Professional counselors hold masters degrees or doctoral degrees in behavioral health fields and have had supervised experience working with individuals, families, or groups who are having life-coping problems, career adjustment problems, or general personal problems. Counselors are trained experts in dealing with the average person who is having these

difficulties. As president of the American Mental Health Counselors Association and as a currently licensed professional counselor in Alabama, I strongly encourage you to support your constituents' efforts to certify behavioral health professionals.

Warmest regards,

Richard R. Wilmarth
President

RRW/sk

543 S. 4th West
Missoula, MT 598

February 11, 1987

Nancy Keenan
Chairperson / Committee Members
House Human Services Committee
Capitol Station
Helena, MT 59620

Dear Ms. Keenan and Committee Members,

I am writing to support the counselor licensing bill, HB 571. I am a licensed Clinical Psychologist (#96) in the state of Montana and have practiced here for the past 6 years.

I believe this bill will provide the people of Montana with the larger number and variety of human service providers we need while helping insure better quality services.

Please support the passage of this bill. Thank you for your attention.

Sincerely yours,
Kathryn J. Seaton,
Clinical Psychologist

INTER-MOUNTAIN DEACONESS HOME FOR CHILDREN
P.O. BOX 4455, HELENA, MT 59604
PHONE 406/442-7920

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Administrator

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Honorable Legislators:

Since I have been informed that the Montana Psychological Association is testifying in opposition to House Bill 571 for "Licensing and Regulation of Professional Counselors," I want to make clear that this position does not have the unqualified support of all the members. In fact, in our Autumn, 1984 meeting the majority of the members present voted in opposition to the position MPA is presently taking. (Since then a ballot on this issue was mailed to all members with the report from the Autumn meeting. How many members responded I do not know.)

As an active member of the Montana Psychological Association I want to state my conviction that MPA should not be involved in this issue. I am aware of other members of MPA who share that conviction. I am also personally in favor of the licensing of Master's level counselors so they can properly regulate themselves. I am not opposed to House Bill 571 in particular, although I believe the bill would be strengthened by an indication that "appraisal" in 3. (3) (b) should not be confused with "psychological evaluation." It would be further strengthened by some indication that counselors are obliged to seek consultation from a psychiatrist or psychologist regarding the diagnosis, treatment or referral of severely emotionally disturbed individuals or families.

Thank you for your consideration of this letter.

Sincerely,

Hugh M. Black, Ph.D.
Licensed Clinical Psychologist

MMH

ADMINISTRATION
AND DEVELOPMENT
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7 Park Drive N.
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202 Brooks
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Phone: 365-3369

Havre
Phone: 265-5881

Helena
Phone: 449-3423

Plentywood
Phone: 756-1528

Sidney
Phone: 482-3350

March 18, 1985

To the Honorable Members
of the Senate Business and Industry Committee

Dear Members:

I take this timely opportunity to speak in favor of the intent of the HB571 bill to provide licensure of professional counselors and the possibility of third-party reimbursement for services.

My reasons:

1. It will upgrade the quality of professional standards, thus increasing the quality of service available to the citizens of Montana.

2. Achieving third party reimbursement for counseling services is of the utmost importance to private social services agencies. As public tax dollar funding for social service programs continues to decline, private agencies and individual private practice counselors continue to be impacted with increased requests for services. We are consequently impacted with the increased costs of providing those services.

3. The Board of Directors of our particular agency mandates a policy that we provide counseling to all persons regardless of ability to pay. We turn no one away for lack of money or insurance. Our flexible, sliding fee scale permits clients to receive full counselin services at a fee rate they choose to set for themselves.

I regret that I am not able to be present in person before you on this matter.

I remain respectfully yours,

Kenneth Gjerde

Kenneth Gjerde, Executive Director
LUTHERAN SOCIAL SERVICES OF MONTANA

KG/mt

MRCC Montana Rehabilitation and Clinical Consultants

Terry L. Blackwell, Ed.D., CRC
James M. Shaffer, Director of Marketing

John R. Clarke, Ph.D.
James M. Gracey, Ed.D., CRC

2300-12th Avenue South, Suite 99
Great Falls, Montana 59405

(406) 761-1199

February 7, 1985

Representative Nancy Keenan, Chairperson
House Human Services Committee
Capitol Station
Helena, Montana 59820

Dear Ms. Keenan:

I am writing to indicate my support for HB571.

Currently, I believe the public has no way of determining that an individual using the title counselor has the training, experience and competencies to provide effective services. The title counselor seems to communicate an aura of expertise. In reality, there is currently no assurance that this is the case. Licensure would begin to rectify this situation.

In addition, in establishing standards it will be possible to raise the level of competency throughout the porfession. Eventually, and very importantly, it will allow a greater degree of quality control both at the entry level and through continued monitoring of the profession beyond the point of licensure.

I would appreciate your vote in support of this measure, both at the committee level and when it is presented to the full House. Thank you.

Sincerely,

Terry L. Blackwell, Ed.D., CRC
Rehabilitation Consultant and Therapist

TLB/lap

February 12, 1985

TO WHOM IT MAY CONCERN

I am writing in regard to House Bill 571, a bill to license professional counselors. I strongly support this effort to establish a system to monitor the profession of counseling. This is an important step in providing trained competent professionals in this important field.

Sincerely,

Kathleen O'Malley

Kathleen O'Malley, Ph.D.
Licensed Psychologist #153

KO:sw

Montana State University
Bozeman, Montana 59717

Counseling Center

Telephone (406) 994-4531

2/11/85

Dr. Richard Horswill
Coordinator, Counselor Education
Montana State University
Bozeman, MT 59717

Dear Dr. Horswill,

I will be out of the country on February 15, and will not be able to give personal testimony regarding House Bill 571, Professional Counselor Licensing. However, I am familiar with the bill and totally support legislation which will license professional counselors. The passage of this bill would identify those individuals who meet the standard training credentials required for a professional counselor. Equally important, is the fact that Montanans seeking help from qualified professional counselors will be assured that the professional is adequately trained at the graduate degree level, has received appropriate supervision, and conforms to a recognized code of ethics established by the American Association for Counseling and Development.

I am pleased to endorse House Bill 571, and view this legislation as a major step forward in mental health service for the State of Montana.

Sincerely,

John O'Connell

John O'Connell, Ph.D.
Director, Counseling & Psychological Services
Licensed Psychologist

JOC:kmt

National Mental Health Counselors Week, 1984

By the President of the United States of America

A Proclamation

Mental health counselors use special counseling skills and understanding of human development to help their fellow Americans cope with problems of adjustment, the pain of illness, and the stresses of life. They provide 50 percent of the mental health services delivered in this country, working with the chronically mentally ill, the depressed, the anxious, the abused, and others, who, through no fault of their own, cannot fully meet their daily obligations or experience life's pleasures.

Through a variety of techniques, mental health counselors assist people to attain self-understanding and skills needed to solve problems, make decisions, and successfully deal with others in an increasingly complex world. Mental health counselors work in hospitals, community agencies, clinics, and the private practice sector and with all types of health professionals, applying the expertise gained through their many years of education and training.

In recognition of the important services that these counselors perform for others to save lives and reduce suffering, the Congress, by Senate Joint Resolution 203, has designated the week beginning April 8, 1984, as National Mental Health Counselors Week and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 8, 1984, as National Mental Health Counselors Week. I call upon health care professionals, educators, the media, individuals, and public and private organizations concerned with mental health to observe this week with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of April, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

AMHCA NEWS "a division of AACD"

Vol 8, No 3 American Mental Health Counselors Association November/December 1984

Representative Gonzales Includes Mental Health Counselors In The "Mental Health Act of 1984"

Mr. Gonzales has introduced a Bill (HR-6433) to provide adequate mental health care to all Americans. This Bill is entitled the "Mental Health Act of 1984." The following is a brief excerpt from the Congressional records on October 10, 1984.

"I am introducing it again today for the purpose of including the term 'mental health counselor' among the bill's list of mental health professionals.

Mental health counselors deal with the practical problems that patients face when attempting to reintegrate into community life. They are a recent breed of mental health worker, which sprang up during the Vietnam era in response to the increasing needs of the National Mental Health Centers all over the country.

Mental health counselors work in the community counseling branches of these centers, and deal particularly with drug and alcohol abusers. As a result of the upsurge in drug abuse in the late 1960's and 1970's, many mental health centers have included counselors among their personnel. Several mental health counselors now operate their own mental health centers.

Earlier legislation during this Congress to amend titles XVII and XIX of the Social Security Act—which provides that services of mental health counselors be covered under part 'B' of medicare and be a required service under medicaid, the term 'clinical mental health counselor' is defined as 'an individual who first, possesses a master's or doctor's degree in counseling, mental health counseling, community counseling, or similar degree title, second, after obtaining such a degree has performed at least 2 years of supervised clinical counseling, and three, is licensed or certified as such in the State in which he/she practices, or if such State does not license or certify mental health counselors, is certified by the National Academy of Certified Clinical Mental Health Counselors and listed in the NACCMHC Register of Certified Clinical Mental Health Counselors.' "

Please write and call your legislators asking them to co-sponsor this important piece of legislation. For further information concerning this Bill, contact either Dr. William Weikel, AMHCA Government Relations Chairperson, 606-783-2261; or Dr. Richard Wilmarth, AMHCA President, 1-800-354-2008.

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EXHIBIT 1·
BUSINESS & INDUSTRY
March 20, 1985

NAME: Susan Conrad DATE: 3/20/85

ADDRESS: Start Fremstad

PHONE: 626-4463

REPRESENTING WHOM? CM Counseling Program

APPEARING ON WHICH PROPOSAL: HB571

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: will be passed out

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 2
BUSINESS & INDUSTRY
March 20, 1985

HB 571, blue copy, third reading

1. Title, line 6 and 7.
Following: "COUNSELORS;" on line 6
Strike: "CREATING A STATE BOARD OF PROFESSIONAL COUNSELORS;"

2. Title, line 12.
Following: "~~SECTIONS~~"
Strike: "SECTION"
Insert: "SECTIONS 2-15-1854,"
Following: "~~33-30-101,~~"
Insert: "37-22-102,"

3. Page 1, line 16 through line 14 on page 2.
Strike: Section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 18.
Following: "sections"
Strike: "2"
Insert: "1"

5. Page 2, line 19.
Following: "through"
Strike: "14"
Insert: "13"

6. Page 2, line 21.
Following: "Sections"
Strike: "2"
Insert: "1"
Following: "through"
Insert: "13"

7. Page 2, line 22.
Following: "section"
Strike: "4"
Insert: "3"

8. Page 3, line 3.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

9. Page 3, line 4.
Following: "board of"
Insert: "social work examiners and"

10. Page 3, line 5.
Following: "under"
Strike: "[section 1]"
Insert: "2-15-1854"

11. Page 3, line 7.
Following: line 6
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

12. Page 4, line 13.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

13. Page 4, line 16.
Strike: "14"
Insert: "13"

14. Page 5, line 4.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

15. Page 5, line 16.
Following: "sections"
Strike: "2"
Insert: "1"

16. Page 5, line 17.
Following: "through"
Strike: "14"
Insert: "13"

17. Page 7, line 8.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

18. Page 9, line 10.
Following: "section"
Strike: "6"
Insert: "5"

19. Page 9, line 18.
Following: "section"
Strike: "7"
Insert: "6"

20. Page 9, line 23.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

21. Page 10, line 12.
Following: "section"
Strike: "12"
Insert: "11"

22. Page 12, line 23.
Following: "sections"
Strike: "2"
Insert: "1"

23. Page 12, line 24.
Strike: "14"
Insert: "13"

24. Page 13, line 3.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

25. Page 13, line 4.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

26. Page 15, line 15.
Following: "to"
Strike: "initial"
Following: "board"
Insert: "of social work examiners and professional counselors"

27. Page 15, line 17 and 18.
Following: "in" on line 17
Strike: "[section 1 (2) (a) and (b)]"
Insert: "2-15-1854"

28. Page 15, line 18.
Following: "the"
Strike: "initial"

29. Page 15, lines 22 through 25.
Strike: section 18 in its entirety
Renumber: subsequent sections

30. Page 15, following line 21.
Insert: "Section 18. Section 2-15-1854, MCA, is amended to read:

"2-15-1854. Board of social work examiners and professional counselors. ~~(1)~~ The governor shall appoint a board of social work examiners and professional counselors consisting of ~~five~~ nine members. (1) Four members must be licensed social workers, and:

(a) one member must be in the private practice of social work;

(b) one member must be employed by a state social service agency;

(c) one member must be in the medical or social welfare field; and

(d) one member must be an educator in the field of social work.

(2) Four members must be licensed professional counselors, and:

(a) three members must be licensed professional counselors engaged primarily in rendering professional counseling services;

(b) one member must be a licensed professional counselor engaged primarily in teaching, training, or research in counseling.

~~(2)~~(3) One member must be appointed from and represent the general public and may not be engaged in social work or professional counseling.

~~(3)~~(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

~~(4)~~ (5) The board is designated a quasi-judicial board. Members are appointed, serve, and are subject to removal in accordance with 2-15-124.

Section 19. Section 37-22-102, MCA, is amended to read:

"37-22-102. Definitions. As used in this chapter:

(1) "Board" means the board of social work examiners and professional counselors established under 2-15-1854.

(2) "Department" means the department of commerce.

(3) "Licensee" means a person licensed under this chapter.

(4) "Psychotherapy" means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes.

(5) "Social work" means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves the application of social work techniques, including:

(a) counseling and using psychotherapy with individuals, families, or groups;

(b) providing information and referral services;

(c) providing, arranging, or supervising the provision of social services;

(d) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups;

(e) helping communities to organize to provide or improve social and health services; and

(f) research or teaching related to social work." "

Renumber: subsequent sections

EXHIBIT 3
BUSINESS & INDUSTRY
March 20, 1985

NAME: Kathleen Campbell DATE: 3/20/85

ADDRESS: 2925 Tetus dr

PHONE: 256-6359

REPRESENTING WHOM? MT. Assn. of Chiro. & Assoc.

APPEARING ON WHICH PROPOSAL: HB 571

DO YOU: SUPPORT? / AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 4
BUSINESS & INDUSTRY
March 20, 1985

NAME: Lucia Glenn DATE: 3-20-85

ADDRESS: 1925 Grand Ave. Billings 59802

PHONE: 248-4402

REPRESENTING WHOM? Mental Health Counselors - HB 571

APPEARING ON WHICH PROPOSAL: HB 571

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 5
BUSINESS & INDUSTRY
March 20, 1985

NAME: Dwight J. Leonard DATE: 3-20-85

ADDRESS: 630 Stadler Rd, Helena MT. 59601

PHONE: 443-4600 (Business)

REPRESENTING WHOM? Helena Comprehensive Guidance Clinic

APPEARING ON WHICH PROPOSAL: HB 517

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 6
BUSINESS & INDUSTRY
March 20, 1985

NAME: Hazel C. Smith DATE: 3/20/85

ADDRESS: 800 Fox Dr, Great Falls, MT

PHONE: 761-5825 HM 761-4341 WK
Lutheran Dir. Lutherans of Mt Gt Falls

REPRESENTING WHOM? Area Committee Group, Mt Montana Pkn Committee Assoc.

APPEARING ON WHICH PROPOSAL: H B 571

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: ~~Information~~

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 7
BUSINESS & INDUSTRY
March 20, 1985

NAME: Joan Rehbein DATE: 3/20/85

ADDRESS: 1721 Lincoln St. Helena

PHONE: 442-7920 work 443-2755 home

REPRESENTING WHOM? Deaconess Home

APPEARING ON WHICH PROPOSAL: HB571 Counselor licensure

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT 8
BUSINESS & INDUSTRY
March 20, 1985

Montana Association of School Psychologists

March 14, 1985

Senator Halligan and Committee Members:

Our association opposes HB571 regarding Counselor Licensure. We are interested in improving the level of mental health services. We are also supportive of licensure for qualified counselors as it would allow the licensure of many of our members and expand the services available in Montana. It was however the consensus of our membership to oppose this bill unless the following ammendments are made:

Section 6.(Line 12-13, page 7 and Line 5-6, page 8) "degree in a counseling field from an institution accredited by the Council for Accreditation of Counseling and Related Educational Programs or other regionally accredited institution of higher learning where the stated intent was the education and training of professional counselors and which included study in the following areas: Counseling theory, Human Growth and Development, the helping relationship, Group Dynamics, Vocational Development, Individual Assessment and Intervention, Research and Evaluation and Ethics."
These are required for National certification and we feel they should represent a minimum level of competancy in the profession.

Section 6. (Line 17-18, page 7 and line 13-14, page 8) "and passed a national examination approved by the board. The acceptable level of performance on the exam shall be determined by the board based on national norms." Delete the option for an examination prepared by the board in lieu of a national exam.

Section 4. (Line 1-2, page 5) We recommend that the board be directed to adopt the Code of Ethics of the National Board for Certified Counselors. (Copy attached to Chairman Halligan's letter).

Why are we opposed to HB571 unless ammended?

We wish to insure the provision of quality professional mental health services for the citizens of Montana. Without these ammendments consumer

protection is not adaquately guaranteed given the variability of counseling training programs both in Montana and nationally.

We urge your careful consideration of these concerns. Thank you.

Judi Burkhartsmeyer

Judith A. Burkhartsmeyer
443-0095/ 442-6440

Code of Ethics

(Adapted from the Ethical Standards of the American Association for Counseling and Development)

Approved on July 1, 1982

PREAMBLE

The NBCC is an educational, scientific, and professional organization dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual and thus to the service of society.

The specification of a code of ethics enables the NBCC to clarify to present and future certified counselors, the nature of ethical responsibilities held in common by the certified counselors.

Section A: General

1. The certified counselor influences the development of the profession by continuous efforts to improve professional practices, services, and research. Professional growth is continuous throughout the certified counselor's career and is exemplified by the development of a philosophy that explains why and how a certified counselor functions in the helping relationship. Certified counselors must gather data on their effectiveness and be guided by their findings.

2. The certified counselor has a responsibility both to the individual who is served and to the institution within which the service is performed to maintain high standards of professional conduct. The certified counselor strives to maintain the highest levels of professional services offered to the individuals to be served. The certified counselor also strives to assist the agency, organization, or institution in providing the highest caliber of professional services. The acceptance of employment in an institution implies that the certified counselor is in agreement with the general policies and principles of the institution. Therefore, the professional activities of the certified counselor are also in accord with the objectives of the institution. If, despite concerted efforts, the certified counselor cannot reach agreement with the employer as to acceptable standards of conduct that allow for changes in institutional policy, conducive to the positive growth and development of clients, then terminating the affiliation should be seriously considered.

3. Ethical behavior among professional associates, both certified counselors and non-certified counselors, must be expected at all times. When information is possessed that raises doubt as to the ethical behavior of professional colleagues, whether certified counselors or not, the certified counselor must take action to attempt to rectify such a condition. Such action shall use the institution's channels first and then use procedures established by the NBCC.

4. The certified counselor neither claims nor implies professional qualifications exceeding those possessed and is responsible for correcting any misrepresentations of these qualifications by others.

5. In establishing fees for professional counseling services, certified counselors must consider the financial status of clients and locality. In the event that the established fee structure is inappropriate for a client, assistance must be provided in finding comparable services of acceptable cost.

6. When certified counselors provide information to the public or to subordinates, peers or supervisors, they have a responsibility to ensure that the content is general; unidentified client information should be accurate, unbiased, and consist of objective, factual data.

7. With regard to the delivery of professional services, certified counselors should accept only those positions for which they are professionally qualified.

8. In the counseling relationship the counselor is aware of the intimacy of the relationship and maintains respect for the client and avoids engaging in activities that seek to meet the certified counselor's personal needs at the expense of that client. Through awareness of the negative impact of racial and sexual stereotyping and discrimination, the certified counselor guards the individual rights and personal dignity of the client in the counseling relationship.

Section B: Counseling Relationship

This section refers to practices and procedures of individual and/or group counseling relationships.

The certified counselor must recognize the need for client freedom of choice. Under those circumstances where this is not possible, the certified counselor must apprise clients of restrictions that may limit their freedom of choice.

1. The certified counselor's primary obligation is to respect the integrity and promote the welfare of the client(s), whether the client(s) is (are) assisted individually or in a group relationship. In a group setting, the certified counselor is also responsible for taking reasonable precautions to protect individuals from physical and/or psychological trauma resulting from interaction within the group.

2. The counseling relationship and information resulting therefrom must be kept confidential, consistent with the obligations of the certified counselor as a professional person. In a group counseling setting, the certified counselor must set a norm of confidentiality regarding all group participants' disclosures.

3. If an individual is already in a counseling relationship with another professional person, the certified counselor does not enter into a counseling relationship without first contacting and receiving the approval of that other professional. If the certified counselor discovers that the client is in another counseling relationship after the counseling relationship begins, the certified counselor must gain the consent of the other professional or terminate the relationship, unless the client elects to terminate the other relationship.

4. When the client's condition indicates that there is clear and imminent danger to the client or others, the certified counselor must take reasonable personal action or inform responsible authorities. Consultation with other professionals must be used where possible. The assumption of responsibility for the client(s) behavior must be taken only after careful deliberation. The client must be involved in the resumption of responsibility as quickly as possible.

5. Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings, and other documents are to be considered professional information for use in counseling and they should not be considered a part of the records of the institution or agency in which the counselor is employed unless specified by state statute or regulation. Revelation to others of counseling material must occur only upon the expressed consent of the client.

6. Use of data derived from a counseling relationship for purposes of counselor training or research shall be confined to content that can be disguised to ensure full protection of the identity of the subject client.

7. The certified counselor must inform the client of the purposes, goals, techniques, rules of procedure and limitations that may affect the relationship at or before the time that the counseling relationship is entered.

8. The certified counselor must screen prospective group participants, especially when the emphasis is on self understanding and growth through self disclosure. The certified counselor must main-

tain an awareness of the group participants' compatibility throughout the life of the group.

9. The certified counselor may choose to consult with any other professionally competent person about a client. In choosing a consultant, the certified counselor must avoid placing the consultant in a conflict of interest situation that would preclude the consultant's being a proper party to the certified counselor's efforts to help the client.

10. If the certified counselor determines an inability to be of professional assistance to the client, the certified counselor must either avoid initiating the counseling relationship or immediately terminate that relationship. In either event, the certified counselor must suggest appropriate alternatives. (The certified counselor must be knowledgeable about referral resources so that a satisfactory referral can be initiated). In the event that the client declines the suggested referral, the certified counselor is not obligated to continue the relationship.

11. When the certified counselor has other relationships, particularly of an administrative, supervisory and/or evaluative nature with an individual seeking counseling services, the certified counselor must not serve as the counselor but should refer the individual to another professional. Only in instances where the individual's situation warrants counseling intervention and another alternative is unavailable should the certified counselor enter into and/or maintain a counseling relationship. Dual relationships with clients that might impair the certified counselor's objectivity and professional judgement (e.g., as with close friends and relatives, sexual intimacies with any client) must be avoided and/or the counseling relationship terminated through referral to another competent professional.

12. All experimental methods of treatment must be clearly indicated to prospective recipients and safety precautions are to be adhered to by the certified counselor.

13. When the certified counselor is engaged in short-term group treatment/training programs (e.g., marathons and other encounter-type or growth groups), the certified counselor ensures that there is professional assistance available during and following the group experience.

14. Should the certified counselor be engaged in a work setting that calls for any variation from the above statements, the certified counselor is obligated to consult with other professionals whenever possible to consider justifiable alternatives.

Section C
Measurement and Evaluation

The primary purpose of educational and psychological testing is to provide descriptive measures that are objective and interpretable in either comparative or absolute terms. The certified counselor must recognize the need to interpret the statements that follow as applying to the whole range of appraisal techniques including test and nontest data. Test results constitute only one of a variety of pertinent sources of information for counseling decisions.

1. The certified counselor must provide specific orientation or information to the examinee(s) prior to and following the test administration so that the results of the testing may be placed in proper perspective with other relevant factors. In so doing, the certified counselor must recognize the effects of socioeconomic, ethnic and cultural factors on test scores. It is the certified counselor's professional responsibility to use additional unvalidated information carefully in modifying interpretation of the test results.

2. In selecting tests for use in a given situation or with a particular client, the certified counselor must consider carefully the specific validity, reliability, and appropriateness of the test(s). General validity, reliability and the like may be questioned legally as well as ethically when tests are used for vocational and educational selection, placement, or counseling.

3. When making any statements to the public about tests and testing, the certified counselor must give accurate information and avoid false claims or misconceptions. Special efforts are often required to avoid unwarranted connotations of such terms as IQ and grade equivalent scores.

4. Different tests demand different levels of competence for administration, scoring, and interpretation. Certified counselors must recognize the limits of their competence and perform only those functions for which they are prepared.

5. Tests must be administered under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions must be noted and the results designated as invalid or of questionable validity. Unsupervised or inadequately supervised test-taking, such as the use of tests through the mails, is considered unethical. On the other hand, the use of instruments that are so designated or standardized to be self-administered and self-scored, such as interest inventories, is to be encouraged.

6. The meaningfulness of test results used in counseling functions generally depends on the examinee's unfamiliarity with the specific items on the test. Any prior coaching or dissemination of the test materials can invalidate test results. Therefore, test security is one of the professional obligations of the certified counselor. Conditions that produce most favorable test results must be made known to the examinee.

7. The purpose of testing and the explicit use of the results must be made known to the examinee prior to testing. The certified counselor must ensure that instrument limitations are not exceeded and that periodic review and/or retesting are made to prevent client stereotyping.

8. The examinee's welfare and explicit prior understanding must be the criteria for determining the recipients of the test results. The certified counselor must see that specific interpretation accompanies any release of individual or group test data. The interpretation of test data must be related to the examinee's particular concerns.

9. The certified counselor must be cautious when interpreting the results of research instruments possessing insufficient technical data. The specific purposes for the use of such instruments must be stated explicitly to examinees.

10. The certified counselor must proceed with caution when attempting to evaluate and interpret the performance of minority group members or other persons who are not represented in the norm group on which the instrument was standardized.

11. The certified counselor must guard against the appropriation, reproduction, or modification of published tests or parts thereof without acknowledgement and permission from the previous publisher.

Section D:
Research and Publication

1. Guidelines on research with human subjects shall be adhered to, such as:
a. *Ethical Principles in the Conduct of Research with Human Participants*, Washington, D.C.: American Psychological Association, Inc., 1973.
b. Code of Federal Regulations, Title 45, Subtitle A, Part 46, as currently issued.

2. In planning any research activities dealing with human subjects, the certified counselor must be aware of and responsive to all pertinent ethical principles and ensure that the research problem, design, and execution are in full compliance with them.

3. Responsibility for ethical research practice lies with the principal researcher, while others involved in the research activities share ethical obligation and full ressponsibility for their own actions.

4. In research with human subjects, researchers are responsible for the subjects' welfare throughout the experiment and they must take all reasonable precautions to avoid causing injurious psychological, physical, or social effects on their subjects.

5. All research subjects must be informed of the purpose of the study except when withholding information or providng misinformation to them is essential to the investigation. In such research, the certified counselor must be responsible for corrective action as soon as possible following completion of the research.

6. Participation in research must be voluntary. Involuntary participation is appropriate only when it can be demonstrated that participation will have no harmful effects on subjects and is essential to the investigation.

7. When reporting research results, explicit mention must be made of all variables and conditions known to the investigator that might affect the outcome of the investigation or the interpretation of the data.

8. The certified counselor must be responsible for conducting and reporting investigations in a manner that minimizes the possibility that results will be misleading.

9. The certified counselor has an obligation to make available sufficient original research data to qualified others who may wish to replicate the study.

10. When supplying data, aiding in the research of another person, reporting research results, or in making original data available, due care must be taken to disguise the identity of the subjects in the absence of specific authorization from such subjects to do otherwise.

11. When conducting and reporting research, the certified counselor must be familiar with, and give recognition to, previous work on the topic, as well as to observe all copyright laws and follow the principles of giving full credit to all to whom credit is due.

12. The certified counselor must give due credit through joint authorship, acknowledgement, footnote statements, or other appropriate means to those who have contributed significantly to the research and/or publication, in accordance with such contributions.

13. The certified counselor must communicate to other counselors the results of any research judged to be of professional value. Results reflecting unfavorably on institutions, programs, services, or vested interests must not be withheld for such reasons.

14. If certified counselors agree to cooperate with another individual in research and/or publication, they incur an obligation to cooperate as promised in terms of punctuality of performance and with full regard to the completeness and accuracy of the information required.

15. Ethical practice requires that authors not submit the same manuscript or one essentially similar in content, for simulatenous publication consideration by two or more journals. In addition, manuscripts published in whole or substantial part, in another journal or published work should not be submitted for publication without acknowledgement and permission from the previous publication.

Section E: Consulting

Consultation refers to a voluntary relationship between a professional helper and help-needing individual, group, or social unit in which the consultant is providing help to the client(s) in defining and solving a work-related problem or potential problem with a client or client system.

1. The certified counselor, acting as consultant, must have a high degree of self awareness of his/her own values, knowledge, skills, limitations, and needs in entering a helping relationship that involves human and/or organizational change and that the focus of the relationship be on the issues to be resolved and not on the person(s) presenting the problem.

2. There must be understanding and agreement between certified counselor and client for the problem definition, change goals, and predicted consequences of interventions selected.

3. The certified counselor must be reasonably certain that he/she or the organization represented has the necessary competencies and resources for giving the kind of help that is needed now or may develop later and that appropriate referral resources are available to the consultant.

4. The consulting relationship must be one in which client adaptability and growth toward self-direction are encouraged and cultivated. The certified counselor must maintain this role consistently and not become a decision maker for the client or create a future dependency on the consultant.

5. When announcing consultant availability for services, the certified counselor conscientiously adheres to the *NBCC Code of Ethics*.

6. The certified counselor must refuse a private fee or other remuneration for consultation with persons who are entitled to these services through the certified counselor's employing institution or agency. The policies of a particular agency may make explicit provisions for private practice with agency clients by members of its staff. In such instances, the client must be apprised of other options open to them should they seek private counseling services.

Section F: Private Practice

1. The certified counselor should assist the profession by facilitating the availability of counseling services in private as well as public settings.

2. In advertising services as a private practitioner, the certified counselor must advertise the services in such a manner so as to accurately inform the public as to the services, expertise, profession, and techniques of counseling in a professional manner. A certified counselor who assumes an executive leadership role in the organization shall not permit his/her name to be used in professional notices during periods when not actively engaged in the private practice of counseling.

The certified counselor may list the following: highest relevant degree, type and level of certification or license, type and/or description of services, and other relevant information. Such information must not contain false, inaccurate, misleading, partial, out-of-context, or deceptive material or statements.

3. Certified counselors may join in partnership/corporation with other certified counselors and/or other professionals provided that each member of the partnership or corporation makes clear the separate specialties by name in compliance with the regulations of the locality.

4. A certified counselor has an obligation to withdraw from a counseling relationship if it is believed that employment will result in violation of the *Code of Ethics*. If the mental or physical condition of the certified counselor renders it difficult to carry out an effective professional relationship or if the certified counselor is discharged by the client because the counseling relationship is no longer productive for the client, then the certified counselor is obligated to terminate the counseling relationship.

5. A certified counselor must adhere to the regulations for private practice of the locality where the services are offered.

6. It is unethical to use one's institutional affiliation to recruit clients for one's private practice.

EXHIBIT 9
BUSINESS & INDUSTRY
March 20, 1985

Proposed amendments to HB 571, third reading, blue copy.

1. Page 5, line 9.
Following: "counselor."
Insert: "Particular areas include but are not limited to marriage and family therapy."

2. Page 7, line 7.
Following: "before"
Strike: "October 1"
Insert: "December 31"

3. Page 7, line 25.
Following: "after"
Strike: "October 1"
Insert: "December 31"

4. Page 9, lines 13 and 14.
Following: "and" on line 13
Strike: "expires 3 years after that date"
Insert: "must be renewed every 3 years as provided in [section 10]"

5. Page 9, line 24.
Following: "license."
Insert: "(1) A license may be issued for no longer than 3 years. A license expires on December 31, 1987, and every 3 years thereafter."
Renumber: subsequent subsections

DISPOSITION OF HOUSE BILL 571: This bill deals with the licensing of professional counselors. There had been some discussion of combining the board of social workers with the board of professional counselors. The social workers had not commented on this however. Ted Doney, from the Professional Counselors, had suggested in combining the board that there be three members from the social workers, three members of the professional counselors and one public member. It was noted there are presently four people on the board of social workers whose terms expire in '87. A decision would have to be made as to which of these members would be dropped before the expiration of their term. Shirley Miller from the Bureau of Professional Licensing, stated they were neutral on this particular bill but would not like the three year license renewal that is in the bill presently.

Senator Thayer MOVED THE FIRST THREE AMENDMENTS BE ADOPTED. (EXHIBIT 3) The motion carried.

A brief discussion of the amendments that had been proposed by Rep. Bergene at the hearing. (EXHIBIT 4) Shirley Miller felt the board should adopt rules to set annual renewal fees. Senator Christiaens felt the language "but not limited to" was just too broad. He felt the bill should specify which areas of counseling are included. Senator Fuller disagreed.

Senator Christiaens MOVED TO ADOPT AMENDMENTS 2 THROUGH 5 WITH THE ANNUAL LICENSE RENEWAL CHANGE. The motion carried.

Senator Fuller asked Jim Pomroy, from the Board of Social Work Examiners, to respond to his thoughts on combining the board. He explained his main concern would be the different factions that would be involved in the makeup of the board. Senator Fuller felt the boards should be smaller. Senator Christiaens felt that if boards become too small there is concern whether or not there is fair representation but he was in favor of smaller boards also.

Senator Weeding MOVED TO ADOPT AMENDMENTS TO HAVE A 7 MEMBER BOARD. (See EXHIBIT 3) This motion carried.

Lengthy amendments to House Bill 571 had been prepared which were mostly housekeeping. Senator Fuller MOVED TO ADOPT THESE AMENDMENTS. (EXHIBIT 5) The motion carried.

Senator Christiaens then MOVED TO CONCUR IN HOUSE BILL 571 AS AMENDED. The motion carried. Senator Keating will carry this on the Senate floor. Senator Neuman voted "no" to concurr in the bill as amended.

DISPOSITION OF HOUSE BILL 338: A gray bill for House Bill 338 had been prepared. (EXHIBIT 6) Some of the suggestions proposed by the proponents had been incorporated into the measure. Senator Fuller MOVED TO ADOPT THE GRAY BILL TO HOUSE BILL 338. Senator Christiaens spoke against the bill

EXHIBIT 3
BUSINESS & INDUSTRY
March 27, 1985

Proposed amendments to HB 571

1. Page 5, line 2.
Following: "counselors"
Insert: "which are based on national standards"

2. Page 7, line 18.
Following: "board"
Strike: "or"
Insert: "based on"

3. Page 8, line 14.
Following: "board"
Strike: "or"
Insert: "based on"

4. Page 15, following line 21.
Insert: "Section 18. Section 2-15-1854, MCA, is amended to read:

"2-15-1854. Board of social work examiners and professional counselors. (1) The governor shall appoint a board of social work examiners and professional counselors consisting of ~~five~~ seven members. ~~Four~~ three members must be licensed social workers, and ~~one~~ three must be licensed professional counselors.

~~(a) one member must be in the private practice of social work;~~

~~(b) one member must be employed by a state social service agency;~~

~~(c) one member must be in the medical or social welfare field; and~~

~~(d) one member must be an educator in the field of social work.~~

(2) One member must be appointed from and represent the general public and may not be engaged in social work.

(3) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(4) The board is designated a quasi-judicial board. Members are appointed, serve, and are subject to removal in accordance with 2-15-124."

EXHIBIT 4
BUSINESS & INDUSTRY
March 27, 1985

Proposed amendments to HB 571, third reading, blue copy.

1. Page 5, line 9.
Following: "counselor."
Insert: "Particular areas include but are not limited to marriage and family therapy."

2. Page 7, line 7.
Following: "before"
Strike: "October 1"
Insert: "December 31"

3. Page 7, line 25.
Following: "after"
Strike: "October 1"
Insert: "December 31"

4. Page 9, lines 13 and 14.
Following: "and" on line 13
Strike: "expires 3 years after that date"
Insert: "must be renewed every 3 years as provided in [section 10]"

5. Page 9, line 24.
Following: "license."
Insert: "(1) A license may be issued for no longer than 3 years. A license expires on December 31, 1987, and every 3 years thereafter."
Renumber: subsequent subsections

EXHIBIT 5
BUSINESS & INDUSTRY
March 27, 1985

HB 571, blue copy, third reading

1. Title, line 6 and 7.
Following: "COUNSELORS;" on line 6
Strike: "CREATING A STATE BOARD OF PROFESSIONAL COUNSELORS;"

2. Title, line 12.
Following: "~~SECTIONS~~"
Strike: "SECTION"
Insert: "SECTIONS 2-15-1854,"
Following: "~~33-30-101,~~"
Insert: "37-22-102,"

3. Page 1, line 16 through line 14 on page 2.
Strike: Section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 18.
Following: "sections"
Strike: "2"
Insert: "1"

5. Page 2, line 19.
Following: "through"
Strike: "14"
Insert: "13"

6. Page 2, line 21.
Following: "Sections"
Strike: "2"
Insert: "1"
Following: "through"
Insert: "13"

7. Page 2, line 22.
Following: "section"
Strike: "4"
Insert: "3"

8. Page 3, line 3.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

9. Page 3, line 4.
Following: "board of"
Insert: "social work examiners and"

10. Page 3, line 5.
Following: "under"
Strike: "[section 1]"
Insert: "2-15-1854"

11. Page 3, line 7.
Following: line 6
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

12. Page 4, line 13.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

13. Page 4, line 16.
Strike: "14"
Insert: "13"

14. Page 5, line 4.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

15. Page 5, line 16.
Following: "sections"
Strike: "2"
Insert: "1"

16. Page 5, line 17.
Following: "through"
Strike: "14"
Insert: "13"

17. Page 7, line 8.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

18. Page 9, line 10.
Following: "section"
Strike: "6"
Insert: "5"

19. Page 9, line 18.
Following: "section"
Strike: "7"
Insert: "6"

20. Page 9, line 23.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

21. Page 10, line 12.
Following: "section"
Strike: "12"
Insert: "11"

22. Page 12, line 23.
Following: "sections"
Strike: "2"
Insert: "1"

23. Page 12, line 24.
Strike: "14"
Insert: "13"

24. Page 13, line 3.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

25. Page 13, line 4.
Following: "sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

26. Page 15, line 15.
Following: "to"
Strike: "initial"
Following: "board"
Insert: "of social work examiners and professional counselors"

27. Page 15, line 17 and 18.
Following: "in" on line 17
Strike: "[section 1 (2) (a) and (b)]"
Insert: "2-15-1854"

28. Page 15, line 18.
Following: "the"
Strike: "initial"

29. Page 15, lines 22 through 25.
Strike: section 18 in its entirety
Renumber: subsequent sections

30. Page 15, following line 21.
Insert: "Section 18. Section 2-15-1854, MCA, is amended to read:

"2-15-1854. Board of social work examiners and professional counselors. ~~(1)~~ The governor shall appoint a board of social work examiners and professional counselors consisting of ~~five~~ nine members. (1) Four members must be licensed social workers, and:

(a) one member must be in the private practice of social work;

(b) one member must be employed by a state social service agency;

(c) one member must be in the medical or social welfare field; and

(d) one member must be an educator in the field of social work.

(2) Four members must be licensed professional counselors, and:

(a) three members must be licensed professional counselors engaged primarily in rendering professional counseling services;

(b) one member must be a licensed professional counselor engaged primarily in teaching, training, or research in counseling.

~~(2)~~(3) One member must be appointed from and represent the general public and may not be engaged in social work or professional counseling.

~~(3)~~(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

~~(4)~~ (5) The board is designated a quasi-judicial board. Members are appointed, serve, and are subject to removal in accordance with 2-15-124.

Section 19. Section 37-22-102, MCA, is amended to read:

"37-22-102. Definitions. As used in this chapter:

(1) "Board" means the board of social work examiners and professional counselors established under 2-15-1854.

(2) "Department" means the department of commerce.

(3) "Licensee" means a person licensed under this chapter.

(4) "Psychotherapy" means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes.

(5) "Social work" means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves the application of social work techniques, including:

(a) counseling and using psychotherapy with individuals, families, or groups;

(b) providing information and referral services;

(c) providing, arranging, or supervising the provision of social services;

(d) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups;

(e) helping communities to organize to provide or improve social and health services; and

(f) research or teaching related to social work." "

Renumber: subsequent sections

STANDING COMMITTEE REPORT

MARCH 27 19 85

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE BILL No. 571

third reading copy (blue color)

MANDATORY LICENSING & REGULATION OF PROFESSIONAL COUNSELORS
(Keating)

HOUSE BILL 571

Respectfully report as follows: That ..... No.....

be amended as follows:

1. Title, line 6 and 7.
Following: "COUNSELORS;" on line 6
Strike: "CREATING A STATE BOARD OF PROFESSIONAL COUNSELORS;"

2. Title, line 12.
Following: "SECTIONS"
Strike: "SECTION"
Insert: "SECTIONS 2-15-1854,"
Following: "33-33-101,"
Insert: "AND 37-22-102,"

3. Page 1, line 16 through line 14 on page 2.
Strike: Section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 18.
Following: "[sections"
Strike: "2"
Insert: "1"

5. Page 2, line 19.
Following: "through"
Strike: "14"
Insert: "13"

(continued)

~~DO PASS~~

~~DO NOT PASS~~

Chairman.

6. Page 2, line 21.
Following: "[Sections"
Strike: "2"
Insert: "1"
Following: "through"
Insert: "13"

7. Page 2, line 22.
Following: "[section"
Strike: "4"
Insert: "3"

8. Page 3, line 3.
Following: "[sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

9. Page 3, line 4.
Following: "board of"
Insert: "social work examiners and"

10. Page 3, line 5.
Following: "under"
Strike: "[section 1]"
Insert: "2-15-1654"

11. Page 3, line 7.
Following: line 6
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

12. Page 4, line 13.
Following: "[sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

(continued)

13. Page 4, line 16.
Following: line 15
Strike: "14"
Insert: "13"

14. Page 5, line 2.
Following: "counselors"
Insert: "which are based on national standards"

15. Page 5, line 4.
Following: "[sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

16. Page 5, line 16.
Following: "[sections"
Strike: "2"
Insert: "1"

17. Page 5, line 17.
Following: "through"
Strike: "14"
Insert: "13"

18. Page 7, line 7.
Following: "before"
Strike: "October 1"
Insert: "December 31"

19. Page 7, line 8.
Following: "[sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

20. Page 7, line 18.
Following: "board"
Strike: "or"
Insert: "based on"

(continued)

21. Page 7, line 25.
Following: "after"
Strike: "October 1"
Insert: "December 31"

22. Page 8, line 14.
Following: "board"
Strike: "or"
Insert: "based on"

23. Page 9, line 10.
Following: "[section"
Strike: "6"
Insert: "5"

24. Page 9, lines 13 and 14.
Following: "and" on line 13
Strike: "expires 3 years after that date"
Insert: "must be renewed every year as provided in [section 10]"

25. Page 9, line 19.
Following: "[section"
Strike: "7"
Insert: "6"

26. Page 9, line 24.
Following: "license."
Insert: "(1) A license may be issued for no longer than 1 year. The board may adopt rules to provide for annual renewal of an existing license."

Renumber: subsequent subsections

27. Page 9, line 23.
Following: "[sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

(continued)

29. Page 10, line 12.
Following: "[section"
Strike: "12"
Insert: "11"

29. Page 12, line 23.
Following: "[sections"
Strike: "2"
Insert: "1"

30. Page 12, line 24.
Following: line 23
Strike: "14"
Insert: "13"

31. Page 13, line 3.
Following: "[sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

32. Page 13, line 4.
Following: "[sections"
Strike: "2"
Insert: "1"
Following: "through"
Strike: "14"
Insert: "13"

33. Page 15, line 16.
Following: "to"
Strike: "initial"
Following: "board"
Insert: "of social work examiners and professional counselors"

34. Page 15, lines 17 and 18.
Following: "in" on line 17
Strike: "[section 1 (2) (a) and (b)]"
Insert: "2-15-1854"

(continued)

35. Page 15, line 18.
Following: "the"
Strike: "initial"

36. Page 15, line 22.
Following: line 21
Insert: "Section 18. Section 2-15-1854, MCA, is amended to read:

"2-15-1854. Board of social work examiners and professional counselors. ~~(1)~~ The governor shall appoint a board of social work examiners and professional counselors consisting of ~~five~~ seven members. (1)Four Three members must be licensed social workers, and~~:~~ three must be licensed professional counselors.

~~(a)--one-member-must-be-in-the-private-practice-of social-work;~~

~~(b)--one-member-must-be-employed-by-a-state-social service-agency;~~

~~(c)--one-member-must-be-in-the-medical-or-social welfare-field;-and~~

~~(d)--one-member-must-be-an-educator-in-the-field-of social-work.~~

(2) One member must be appointed from and represent the general public and may not be engaged in social work.

(3) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

(4) The board is designated a quasi-judicial board. Members are appointed, serve, and are subject to removal in accordance with 2-15-124."

(continued)

Section 19. Section 37-22-102, MCA, is amended to read:

"37-22-102. Definitions. As used in this chapter:

(1) "Board" means the board of social work examiners and professional counselors established under 2-15-1854.

(2) "Department" means the department of commerce.

(3) "Licensee" means a person licensed under this chapter.

(4) "Psychotherapy" means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes.

(5) "Social work" means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves the application of social work techniques, including:

(a) counseling and using psychotherapy with individuals, families, or groups;

(b) providing information and referral services;

(c) providing, arranging, or supervising the provision of social services;

(d) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups;

(e) helping communities to organize to provide or improve social and health services; and

(f) research or teaching related to social work." "

Renumber: subsequent sections

37. Page 15, lines 22 through 25.
Strike: section 18 in its entirety
Renumber: subsequent sections

AND AS AMENDED
BE CONCURRED IN

Sen. Mike Halligan, Chairman